

HOUSE OF REPRESENTATIVES—Monday, July 25, 1994

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair announces that there are no Members listed for morning business.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 32 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the momentum of life moves inexorably on and the days become years, teach us, O gracious God, to gain a heart of wisdom that as we deal with things temporal, we lose not the things eternal. Help us to realize that with Your blessing the ordinary things of

daily existence—like food or work and all the material resources of living—become means of grace and great spiritual gifts to all who have need. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance.

Mr. FIELDS of Louisiana led the Pledge of allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISCHARGE PETITION 12— INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a new twist in the case of O.J. Simpson. The defense team has gone on the offense. They are offering a \$500,000 reward for evidence that can lead to the conviction of what they say is the killer or killers. I am not getting into the merits of this case, but the reason they have gone on the offensive is very simple. Most Americans think O.J. is guilty. That since he ran away with a gun pointed at his head, many people suspect that he perpetrated these crimes. What the defense team is trying to do is win back something very important before it goes to trial, the presumption of innocence, that you are innocent until proven guilty.

Ladies and gentlemen, I make this statement because Mom and Dad in a tax court, civil proceeding, accused of tax fraud, take their house, take everything they have, take their business, they are considered guilty and have to prove themselves innocent.

My discharge petition 12 supposedly has backed some Members off because it has personal liability and it would nail IRS agents who rip off Mom and Dad. I am letting Congress know that I

would be willing to abandon all of that and just insist upon innocent until proven guilty.

If it is good enough for the Son of Sam, if it is good enough for the Boston Strangler, by God, it is good enough for Mom and Dad in the tax court.

Innocent until proven guilty. The presumption of innocence is good enough for our taxpayers as well.

NATIONAL GUARD AND RESERVE PARTICIPATING IN RWANDA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out today that in Rwanda the National Guard and Reserve are participating. Some Air Guard aircraft C-141's, KC-135's and C-5's flown by National Guardsmen and reservists will be carrying supplies into that country where we have so many problems, so many people losing their lives by cholera and just not enough to eat.

I want to make this point today. It is the total force that is participating, and sometimes I am not sure that the Chairman of the Joint Chiefs and the other military personnel in the Pentagon are giving the National Guard and Reserve the credit they should have. They are out there every day when there are floods, when the people are in trouble at home, the Guard and Reserve is there, and now before we land, the Reserves are helping.

Mr. Speaker, I think the American people should know this. We have cut the military too much. I hope we quit doing it. We need the Active Forces as well as the Reserves.

SOLICIT INPUT OF EMPLOYEES TO IMPROVE POSTAL SERVICE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, a week ago this Monday, I delivered mail with a mail carrier in Denver, CO, and I also spent that weekend out watching how they sorted the mail in one of the big centers. Today we are going to be asking for every postal employee to try and help us figure out what we can do to make the mail service work.

The first thing every government must do is find a way that we can contact each person that lives in that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

country. If they do not have a good mail service, they have got real trouble, and we have had all sorts of problems of late. The unfortunate thing is so often we have asked people what to do about the mail service that had never been in any of the Postal Service before.

So I think the time has come to really tackle this. We are calling on every Member of Congress to get involved at the very local, grassroots area, and do something really unique: Ask the people who know something about it, ask the people who have been delivering the mail and let us see if we cannot get this solved once and for all.

NOTIFICATION OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. TRAFICANT. Mr. Speaker, I rise to serve notice that tomorrow, July 26, I will offer a motion to insist on the Traficant amendment to the crime bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. Speaker, I will move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist upon the provisions contained in the amendment offered by myself, Mr. TRAFICANT of Ohio, as agreed to by the House, relating to the requirements in the representation of domestic origin in labeling of products.

CREATION OF INTERNATIONAL CONSERVATORSHIP FOR FAILED NATION STATES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I take this opportunity to discuss a concept behind a resolution which I introduced on June 24.

On June 24, I proposed the creation of an international conservatorship. This conservatorship would be aimed primarily at Haiti, but it is a concept that I think deserves some discussion. Today unfortunately we have around the world failed nation states where the government has effectively lost all control over the civil organs of government, failing to provide reasonable security, both economic and physical security for their citizens. Somalia comes to mind as well as Haiti.

The problems of these failed nation states are not being well addressed by the international community. I think it is time to consider something akin to the trusteeships which was used to manage the affairs, the possessions of Germany after World War I and then those possessions having passed to Japan after World War II.

Mr. Speaker, this proposal would basically take the concept that the effective leadership, if there is any, of these countries would voluntarily give up elements of their sovereignty for specified periods of time. They would do that in exchange for a massive infusion of bilateral and multilateral assistance and some form of international administration and technical assistance which would accompany that assistance. It would not be unlimited. It would be for a specified period of time. I think this kind of approach really must be considered by international organizations, especially the United States, as a way to deal with the failed nation states that are all too apparent across the surface of the globe today.

I urge my colleagues to consider this concept and to consider cosponsoring the resolution I introduced on June 24.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

PROVIDING FOR CONCURRENCE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 868, TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 488), providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868.

The Clerk read as follows:

H. RES. 488

Resolved, That, upon adoption of this resolution, the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table, and the same are hereby agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketing and Consumer Fraud and Abuse Prevention Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact with the consumer. Telemarketers also can be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose \$40 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception and abuse.

SEC. 3. TELEMARKETING RULES.

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive telemarketing acts or practices and other abusive telemarketing acts or practices.

(2) The Commission shall include in such rules respecting deceptive telemarketing acts or practices a definition of deceptive telemarketing acts or practices which may include acts or practices of entities or individuals that assist or facilitate deceptive telemarketing, including credit card laundering.

(3) The Commission shall include in such rules respecting other abusive telemarketing acts or practices—

(A) a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy.

(B) restrictions on the hours of the day and night when unsolicited telephone calls can be made to consumers, and

(C) a requirement that any person engaged in telemarketing for the sale of goods or services shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to sell goods or services and make such other disclosures as the Commission deems appropriate, including the nature and price of the goods and services.

In prescribing the rules described in this paragraph, the Commission shall also consider recordkeeping requirements.

(b) **RULEMAKING.**—The Commission shall prescribe the rules under subsection (a) within 365 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(c) **ENFORCEMENT.**—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered

securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Federal Trade Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than six months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act, the Commission shall promulgate, or require each registered fu-

tures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it."

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State, as *parens patriae*, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) or (f)(2) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) or (f)(2) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3, or an authorized person acting on such person's behalf, may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of \$50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTION BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(d) COST AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

(f) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 6. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description, or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

SEC. 8. FALSE ADVERTISEMENTS CONCERNING SERVICES.

Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

SEC. 9. ENFORCEMENT OF ORDERS.

(a) GENERAL AUTHORITY.—Subject to subsections (b) and (c), the Federal Trade Commission may bring a criminal contempt action for violations of orders of the Commission obtained in cases brought under section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)).

(b) APPOINTMENT.—An action authorized by subsection (a) may be brought by the Federal Trade Commission only after, and pursuant to, the appointment by the Attorney General of an attorney employed by the Commission,

as a special assistant United States Attorney.

(c) REQUEST FOR APPOINTMENT.—

(1) APPOINTMENT UPON REQUEST OR MOTION.—A special assistant United States Attorney may be appointed under subsection (b) upon the request of the Federal Trade Commission or the court which has entered the order for which contempt is sought or upon the Attorney General's own motion.

(2) TIMING.—The Attorney General shall act upon any request made under paragraph (1) within 45 days of the receipt of the request.

(d) TERMINATION OF AUTHORITY.—The authority of the Federal Trade Commission to bring a criminal contempt action under subsection (a) expires 2 years after the date of the first promulgation of rules under section 3. The expiration of such authority shall have no effect on an action brought before the expiration date.

SEC. 10. REVIEW.

Upon the expiration of 5 years following the date of the first promulgation of rules under section 3, the Commission shall review the implementation of this Act and its effect on deceptive telemarketing acts or practices and report the results of the review to the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring up this amendment which has been agreed to by the Senate, to H.R. 868, the Telemarketing and Consumer Fraud and Abuse Prevention Act.

This legislation is the product of many conferences with the Federal Trade Commission, the National Association of Attorneys General, with consumer organizations and with interested business groups. H.R. 868 was originally passed by the House on March 2, 1993, by a vote of 411 to 3.

The telemarketing bill does not impose further regulations on the legitimate telemarketing industry. It is targeted strictly to telemarketing fraud, deception and other patterns of clearly abusive telemarketing activities. But problems with interstate telemarketing fraud have become so pervasive that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection.

The bill directs the FTC to undertake a rulemaking to prohibit deceptive and abusive telemarketing activities. It will also allow the State attorneys general and certain other State legal officers to use the powers of this act to target fly-by-night telemarketers who make deceptive long distance telemarketing calls and then skip across State lines before the State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances.

I want to commend the gentleman from Michigan, Chairman DINGELL, the

gentleman from California [Mr. MOORHEAD], and the gentleman from Ohio [Mr. OXLEY], for their cooperation in constructing this necessary legislation. And I would be remiss if I did not also commend Senator BRYAN for his very diligent efforts in seeing this legislation through.

Telemarketing fraud is estimated to cost the American Public as much as \$40 billion a year.

We need to offer our consumer protection agencies more tools to do the job, and this legislation—we are told by those groups—will be of significant help to them in accomplishing their job of protecting consumers from telemarketing fraud.

H.R. 868, the Telemarketing and Consumer Fraud and Abuse Act as passed by the House on March 2, 1993, included references in section 2(5) and section 3(a)(1) to "fraud" and "fraudulent" telemarketing. These terms and subsequent references in House Report 103-20 at page 10 to "fraudulent telemarketing activities" defined as a "subset" of deceptive telemarketing practices have been deleted in this bill. It was felt that use of the terms "fraud" and "fraudulent" in the act and in the House report could cause unnecessary and unintended confusion. The word "fraudulent" was intended to be synonymous with the term "deceptive" in section 5(a)(1) of the Federal Trade Commission Act [FTCA], as that term is interpreted by the Commission and the Federal courts. The word "fraudulent" has therefore been deleted as redundant and unnecessary from this legislation. No common-law fraud, criminal fraud, or intent to deceive is necessary to prove that an act or practice under this act is "deceptive". The elements of telemarketing fraud should not be any more difficult to establish in a court of law than the elements of any deceptive act or practice prohibited by the FTC Act.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 488. This amended version of the bill represents a House-Senate agreement on a final version of legislation that both bodies passed last year.

Fraud and deception using telemarketing techniques is a scourge upon the American consumer. Current estimates are that as much as \$40 billion may be lost by consumers each year to telemarketing con artists.

This kind of nefarious activity hurts thousands of consumers. But it also damages the legitimate, honest telemarketers who rely upon telecommunications technology to make a variety of goods and services more readily available to the American public. Each time a consumer falls victim to a boiler room or other telemarketing scam, the credibility and trust which are essential to everyday retail transactions are irreparably damaged. It is therefore critically important to legitimate users of telemarketing that we reduce the fraud and deception that infect this area of retailing.

H.R. 868, the underlying bill, does this in two important ways. First, it directs the Federal Trade Commission to issue rules addressed specifically to combating and preventing deceptive telemarketing practices. Second, it empowers State attorneys general to enforce the FTC rules—along with the FTC itself. This not only targets Federal enforcement efforts on the bad apples of the telemarketing industry, but also maximizes the impact of available resources through close State-Federal cooperation. I know that many of our State attorneys general are strongly supportive of this legislation precisely because of the enhanced enforcement tools it will make available to them.

We in California are particularly conscious of the need for a multi-state enforcement effort in this area. All too often, California consumers are bilked by boiler room operators who call from adjacent States, so as to remain beyond the reach of our State and local consumer protection authorities. Given the sheer size of the California market, it is not surprising that this technique would be adopted by operators who wish to retain as much legal sanctuary as possible. The bill will help the FTC and the States mount a coordinated attack on fraud and deception of this type.

Mr. Speaker, this legislation represents a bipartisan effort of the House Energy and Commerce Committee and the Senate Commerce Committee. It also closely parallels legislation approved by the House in the 102nd Congress. I strongly support the amended version of H.R. 868, and urge its prompt approval.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN DINGELL chairman of our Committee on Energy and Commerce, the gentleman from Washington, Mr. SWIFT, who is chairman of the subcommittee, and the gentleman from Ohio, Mr. OXLEY, our ranking republican member for the work that they have done in bringing the legislation to the floor.

GENERAL LEAVE

Mr. SWIFT. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge my colleagues to support it.

I commend the gentleman from the State of Washington, the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, for his strong and able leadership in bringing this legislation to the floor of the House today. As the author of the bill, Chairman SWIFT has taken an active interest in protecting the rights of consumers from un-

scrupulous telemarketing fraud artists. I also commend the ranking Republican of our full committee, Mr. MOORHEAD, and the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, Mr. OXLEY, for their significant contributions to this needed legislation.

This bill is the product of many years of bipartisan efforts. Numerous hearings in our committee, a multitude of analyses and reports from Federal and State investigators, enforcement agencies, and consumer protection bureaus, as well as scores of media investigations and reports, have underscored the need for this overdue legislation.

The problem quite simply, is the greed of scam artists who use the telephone to peddle phony and deceptive schemes to unwary and vulnerable consumers. According to the 1991 report of the National Consumers League, 9 out of 10 Americans have been approached by telephone scam artists, and 3 out of 10 have responded at some time to these fraudulent and deceptive offers. These schemes range from phone calls that promise consumers they already have won a big prize to telephone calls that promise help for parents to recover child support payments from deadbeat ex-spouses to solicitations for dirt-cheap land where bogus deeds are provided to the unfortunate consumer. These fraudulent schemes prey on the vulnerable and the unsuspecting including the elderly, the poor, children, and those with a poor command of the English language, and provide direct access at all times of the day and night to anyone who has a telephone.

The costs of the problem are enormous. The Alliance Against Fraud in Telemarketing—a coalition of more than 80 industry associations and law enforcement agencies—reports that annual losses due to telemarketing fraud exceed \$15 billion. The Federal Trade Commission [FTC] has estimated that actual consumer losses may run as high as \$40 billion per year. Other estimates put the figure at 70 to 80 billion dollars per year. Because of the embarrassment of admitting that one has been bilked, it is likely that most estimates of telemarketing fraud are understated. It is also clear, from the committee's numerous investigations and hearings, that the problem continues to proliferate.

In general, there are three classes of victims of telemarketing fraud: first, actual consumers and purchasers; second, credit card companies, that often must absorb the credit charge when the purchaser discovers the fraud and refuses to pay the charge; and third, legitimate telemarketing companies, that not only lose sales to fraudulent firms but also suffer generally from the disrepute that such fraudulent firms bring to legitimate telemarketing practices. The legislation seeks to address unfair and deceptive telemarketing practices to help all three classes of victims.

The FTC has taken the lead in attempting to combat telemarketing fraud. It has successfully resolved numerous telemarketing fraud cases in Federal district court, halting fraud by companies with sales of well over \$1 billion. These actions were brought under current FTC authority that prohibits unfair and deceptive commercial acts or practices. But these actions may involve expensive and time-con-

suming court battles as to whether a firm's telemarketing practices in fact should be deemed unfair or deceptive and require the Commission to only pursue such actions in Federal district court. H.R. 3203 will give the FTC additional authority it needs to protect the interests of consumers and others who are affected by telemarketing fraud, as well as creating a partnership of enforcement efforts with the States. The bill directs the Commission to promulgate rules prohibiting deceptive and other abusive telemarketing practices. In developing these rules, the Commission is directed to include requirements to prohibit unsolicited telephone calls that a reasonable consumer would consider to be coercive or abusive of privacy rights. The bill gives State attorneys general authority to enforce the Commission's rules and to obtain damages, restitution, and other appropriate relief, as well as allowing private parties to bring cases in Federal district court in certain situations.

I also wish to express my deep appreciation to Chairman DE LA GARZA and the members of the Committee on Agriculture for their cooperation in ensuring that persons involved in commodities and futures trading re covered by substantially similar requirements developed by the FTC under the terms of the legislation. The bill includes provisions developed by the Agriculture Committee that are the functional equivalent of provisions that cover the securities industry. The bill requires the Securities and Exchange Commission [SEC] to promulgate substantially similar rules to those promulgated by the FTC. This means that the SEC rules must offer investors and consumers a comparable level of protection to that provided by the FTC rules, taking into account the specific circumstances of the securities industry.

The bill also strengthens the ability of State attorneys general to bring actions to halt telemarketing scams. The FTC and attorneys general have worked closely with us in developing this legislation and we greatly appreciate their advice and expertise in crafting this consensus measure.

This bill represents the best of the House bill passed early in this Congress and its Senate counterpart. I commend our colleagues from the other body who have worked diligently with us in bringing this final consensus package to the floor and I look forward to seeing the other body adopt this legislation expeditiously so that the President can sign it into law in the very near future.

This bill is supported by a wide range of interests, including the National Association of Attorneys General, the National Consumers League and other consumer associations, the American Association of Retired Persons, and MasterCard and VISA.

In summary, Mr. Speaker, this legislation will ensure that the full range of enforcement and regulatory tools will be available to Federal, State, and private parties in fighting telemarketing fraud and abuse. I strongly urge my colleagues to support this needed legislation.

I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I rise today to support the enactment of legislation dealing with telemarketing fraud. I am pleased that a compromise version of this bill passed the House today and should shortly become law.

It fills the need to strengthen our Nation's ability to prohibit and prosecute fraudulent telemarketing practices.

The schemes used by those who engaged in telemarketing fraud are particularly virulent and dangerous. They prey on innocent victims—principally the elderly—to the tune of almost \$1 billion each year. This is unacceptable.

An award-winning series of articles in the Buffalo News last year highlighted the scope of this problem. Reporters Michael Beebe and Dan Herbeck showed in graphic detail how telemarketing firms use sophisticated computer systems and mailing lists to target the most vulnerable among us.

According to the News series, Buffalo has become a haven for these fraudulent telemarketers. What an ignominious turn for a community rightly known as the City of Good Neighbors. Nearly 60 such firms operated in Buffalo last year, according to Beebe and Herbeck. They set up "boiler rooms," filled with phones and with sales personnel who average \$600 in commission per sale. The scams, which operate across State lines to thwart law enforcement efforts, can generate up to \$40,000 per week. Individual telemarketers can make as much as a quarter of a million dollars in annual income through such schemes.

Buffalo needs jobs and entrepreneurs as much as any other community, Mr. Speaker, but these are businesses and jobs that we can well do without.

Telemarketing fraud grows worse day by day. According to the News, Buffalo's Better Business Bureau received more than 110 complaints about telemarketing practices in 1992, but only 4 complaints the previous year. Further, and more insidious, there are strong indications that organized crime families are becoming heavily involved in these illicit operations.

The bill we passed earlier today will boost the efforts of law enforcement officials in their fight against telemarketing fraud in several ways. First, it requires that the Federal Trade Commission issue rules prohibiting deceptive and fraudulent telemarketing practices. Second, a national information clearinghouse on telemarketing fraud will be established. State attorneys general will be authorized to bring actions against fraudulent schemes in Federal courts—something that is very important for States, such as New York, which do not have their own telemarketing regulatory procedures. And finally, the bill gives citizens the right to institute private lawsuits against fraudulent telemarketers who prey upon them.

Mr. Speaker, the efforts of the Buffalo News in helping to expose the scope of this problem are to be commended. I am pleased that the House of Representatives has acted, and I look forward to completion of the legislative process and final enactment of the bill into law very soon.

Mr. OXLEY. Mr. Speaker, I rise in strong support of this amended version of H.R. 868, which reflects an agreement between the Energy and Commerce Committee and the Senate Commerce Committee. This legislation has been passed in essentially the same form by the House in this Congress and in the 102d Congress, when it narrowly missed enactment at the end of the session.

The key feature of this bill is a directive to the Federal Trade Commission to adopt rules specifically targeting deceptive telemarketing practices. Once those rules are in place, the bill authorizes State attorneys general to enforce the rules. This kind of constructive State-Federal partnership is a very effective technique for making limited enforcement resources go as far as possible. It will also vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

I am particularly conscious of the need for a redoubled effort against deceptive telemarketing, because I know how important telemarketing is as a retail tool to bring many goods and services to consumers who reside in rural areas, including those who reside in my district. Unfortunately, a few bad actors can undermine the credibility of the thousands of legitimate businesses who use telemarketing as a key part of their retail strategy. It is therefore doubly important that we crack down on deception and fraud—not only to prevent injury to consumers, but also to avoid further harm to legitimate businesses. And by the way, in many cases, businesses themselves are the targets of fraudulent or deceptive techniques by fast-buck artists who employ the telephone as their preferred instrument of attack.

I also want to note that in fashioning this bill, the committee was especially careful to avoid interfering with the existing antifraud jurisdiction of the Securities and Exchange Commission and the Commodities Futures Trading Commission. Through the cooperative efforts of the affected industries, as well as the Agriculture Committee, this bill coordinates the efforts of the SEC and the CFTC with those of the Federal Trade Commission, and avoids any conflict or overlap in their authority to combat deceptive telemarketing.

The bill also makes it easier for credit card organizations and other business victims who are left with unreimbursed losses from fraudulent transactions to seek out and collect redress from the perpetrators of the deception.

I strongly support H.R. 868 as amended, and urge its prompt approval. Thank you, Mr. Speaker.

Ms. LAMBERT. Mr. Speaker, I rise today in strong support of H.R. 868 which will help us disconnect the lines of those committing telemarketing fraud. This legislation will help eliminate the pervasive abuse of phone lines by giving State attorneys general the tools necessary to shut down fraudulent midnight bandit telemarketers.

In Arkansas, our attorney general, Winston Bryant, has called this issue the biggest consumer protection issue. In 1992, through the Consumer Complaints Division in Arkansas, over 3,000 complaints and 25 lawsuits were filed. While impressive, these actions did not come close to solving the problem.

These crimes have touched most of our constituents. Most often though, older citizens are targeted. The scam usually involves a high-pressure sales technique where a salesman is pitching anything from pens to worthless medical devices. Often, even if the person refuses, they are repeatedly peppered with calls at all hours of the night until the person finally caves in.

Mr. Speaker, telemarketing, when done appropriately by the legitimate telemarketing industry, provides consumers with valuable services especially to such rural areas as the First District of Arkansas. These legitimate businesses have been very helpful in finding solutions to telemarketing fraud.

I believe this legislation is a necessary first step in the cooperative efforts between State and Federal officials to solve wide-spread problems. Hopefully, this will provide a model for future State and Federal coordination.

Mr. Speaker, it is my pleasure to assist my constituents and the legitimate telemarketing industry in providing relief for the current or potential victims of this endless crime. I look forward to voting in favor of this bill.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the resolution, House Resolution 488.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2243, FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1994

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes.

The Clerk read the title of the bill. (For conference report and statement, see Proceedings of the House of July 21, 1994, at page H6006).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the conference report to the bill, H.R. 2243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House this conference report to reauthorize the Federal Trade Commission. The FTC was last authorized in

1980. Because of differences with the other body, attempts to date to reauthorize the FTC have not succeeded. This legislative impasse was an unfair burden not only on the Commission, but on consumers and those industries that are regulated by the FTC. I am pleased to state that those differences have been constructively and satisfactorily resolved in this conference report.

The report proposes modest increases in authorization levels, not to exceed \$102 million in fiscal year 1996.

The report includes a clarification of the Commission's subpoena authority to allow the procurement of physical evidence, and expanded venue authority and limited intervention authority. These procedural reforms have been requested by the FTC and have been reflected in previous House and Senate authorization bills.

The bill also includes a provision restricting FTC authority over agricultural cooperatives. Under the Capper-Volstead Act, Congress has seen the Department of Agriculture to be the lead agency regarding the oversight of agricultural cooperatives. This provision reflects that understanding, and again, identical language has been included in previous reauthorization bills in both Houses.

Finally, the report includes a definition of unfair acts or practices that closely parallels the 1980 policy statement of the Commission on the scope of the FTC's consumer unfairness jurisdiction. What the report does not include is a prohibition on rulemakings based upon the FTC's unfairness authority. The resolution of this issue, which required constructive compromise from all sides, has allowed us to bring to the floor the first authorization of the Federal Trade Commission in 14 years.

I want to particularly commend the chairman of the Energy and Commerce Committee, Mr. DINGELL, for his tireless efforts to present to the FTC a reauthorization of its important mandate. Subcommittee chairmen have come and gone as attempts to reauthorize were tried and failed, but Chairman DINGELL has shown his usual leadership in taking on tough, controversial issues and seeing them through to a constructive resolution.

I also want to recognize the diligent and constructive work of Mr. MOOREHEAD and Mr. OXLEY, and for their willingness to continue the process of constructive engagement in the face of many impediments. And finally, I want to commend Chairman STEIGER for providing progressive and bipartisan leadership at the FTC.

In restoring the image of the FTC as a problem-solving, pragmatic and hard-working agency, she provided a needed incentive to work through outstanding problems and ratify through this authorization, the Commission's mandate

for protecting consumers from both deceptive and unfair acts.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on this legislation. Through the efforts of our committee leadership, including Chairman DINGELL, Subcommittee Chairman SWIFT, and Subcommittee Ranking Member OXLEY, and almost a year of serious negotiation with the other body, we have finally produced the first House-Senate agreement on reauthorizing the Federal Trade Commission since 1980.

It was that long ago, Mr. Speaker, that both bodies were able to see eye-to-eye on key issues, such as the FTC's authority over advertising practices. As a result of the lack of agreement, there has been a 12-year lapse since the last authorization expired. During that interim period, various stopgap measures to keep the FTC on the right track have been enacted on the annual appropriations bills.

Now that we have substantive agreement on permanent amendments to the FTC Act itself, these temporary measures are no longer necessary. The conference report includes provisions on all the key areas—including retaining existing restraints on the FTC's authority over agricultural marketing orders. Most importantly, this legislation includes the first-ever permanent statutory guidance for the FTC on how to apply the agency's authority over so-called unfair acts or practices.

In 1980, Congress tried to address the problem of an overly vague and elastic unfairness standard by simply prohibiting rulemakings aimed at advertising practices under this standard. There were, however, no substantive guideposts for the agency, and the FTC was free to proceed as it wished in individual cases. Certain criteria were adopted by the FTC as a matter of administrative practice, but these were not permanent, and could be altered as views or the membership of the FTC changed.

The legislation we are considering today changes all that: The FTC will now have permanent criteria in the statute governing all proceedings aimed at unfair acts or practices. These are derived from policy pronouncements by the FTC in this area, but they will now have the force of statute. Specifically, an act or practice can only be found to be unfair if the FTC finds first, that the act or practice causes substantial injury to consumers; second, that the injury is not reasonably avoidable; and third, that any injury is not outweighed by countervailing benefits to consumers or to competition. In addition, the FTC will

be allowed to proceed with a rule-making using the unfairness standard only if the agency has reason to believe that the act or practice is prevalent. Moreover, prevalence will now be a statutorily defined term, with specific criteria for the FTC to meet.

Taken as a whole, these new criteria defining the unfairness standard should provide a strong bulwark against potential abuses of the unfairness standard by an overzealous FTC—a phenomenon we last observed in the late 1970's. Setting up clear guideposts for the FTC in its policy toward advertising is also fully consistent with the approach taken by the Supreme Court in the last few years. The Court has clearly begun to emphasize the first amendment protections that attach to commercial speech. While these protections are clearly less stringent than those governing traditional political expression, they both inform and limit the degree to which Congress may restrain commercial speech. I am very pleased that the FTC authorization contained in this conference report is fully consonant with the Court's recent decisions in this field.

The major improvements to the FTC Act made in this legislation would not have been possible without much hard work and diligent cooperation between the House Energy and Commerce Committee and the Senate Commerce Committee. I commend the leadership and members of both committees. In addition, we benefited from the helpful advice and input of the FTC itself, from other State and Federal agencies, from consumer groups, and from the affected industries—particularly the advertising industry and the food and beverage industries.

This legislation represents a real breakthrough that resulted from true bipartisan cooperation. It is vitally important that an agency with important consumer protection responsibilities like the FTC be given a current charter by the Congress. We also need to remember that in addition to its consumer protection functions, the FTC also has important antitrust responsibilities, and administers other laws dealing with consumer credit. Against this background, I am exceptionally pleased to support the approval of this conference report.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute simply to make the observation that the Congress is often at its best when no one is watching. In fact, there is no reason one would want to watch us when we are at our best, because it usually means things are moving very smoothly.

This bill and the one just passed came out of the Committee on Energy and Commerce not because there are no differences between the two parties

on the committee, but because the Members seek in good faith to work those out. In my judgment, we get better public policy that way in any event, and I think it just needs to be noted on the record that this bill is not one without controversy. It is merely one in which we have worked out carefully and with due regard to the respective philosophical views presented on the committee this bill so that we have a good, balanced piece of public legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL] chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I rise to commend the distinguished gentleman from Washington State for the outstanding leadership he has demonstrated in this matter. He has had an extraordinarily good year.

It is with some regret that I find that that year will end and he will be leaving us. Let me take this opportunity to acknowledge that he has done a fine job with regard to Superfund, with regard to this matter, and also he is now working with diligence on the interstate transportation of solid waste and a number of other matters of importance. The House, indeed, has a duty to respect and admire and congratulate the gentleman for the fine work which he has done.

Mr. Speaker, I am pleased to rise in strong support of the conference report.

The Federal Trade Commission is one of our oldest and most important independent agencies. Its basic statutory mission, under the FTC Act, is to guard against unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. The Commission has additional responsibilities under approximately 30 other statutes, as well as under dozens of trade regulation and practice rules governing specific industries and practices. The duties of this important agency cover a broad range of consumer protection, antitrust, and other areas of vital concern to the public interest.

It is unfortunate that the FTC has operated without authorization legislation since 1982. At the heart of this stalemate has been a disagreement over the scope of the FTC's authority of unfair advertising practices. Today's action by the House breaks the stalemate and paves the way for the orderly and proper authorization of the FTC.

The conference report represents a compromise between competing views. I and many others believe that the Commission's unfairness authority as it applies to advertising is appropriate, necessary, and constitutional. Reasons supporting this position were set forth in the committee report we filed when the House passed its bill early last year, along with an historical and sub-

stantive presentation of the legal and policy considerations surrounding this issue. Others believe the FTC's authority in this area should be severely restricted or eliminated. The compromise agreed upon: First, preserves the FTC's authority to prohibit unfair advertising acts or practices, premised upon criteria developed and applied by the FTC since 1980, including consideration of public policies; and second, removes the appropriations ban on unfairness rulemakings. While this is not my preferred position, the compromise will not undercut the FTC's authority to take appropriate action in any significant fashion against unfair advertising.

Some State attorneys general argue that the action taken today will restrict their ability to address unfair advertising practices. While I certainly want to commend and express my appreciation to our friends who have vigorously and faithfully joined us in defending the FTC's unfairness authority, I must respectfully disagree with the notion that the compromise represents a significant departure from the manner in which the FTC—and States that base their laws on the FTC Act—may address unfair advertising problems. The compromise is premised on the 1980 policy statement of the FTC on unfairness, as applied and interpreted by the Commission since 1980. The compromise clearly allows the FTC to consider public policies in making a determination of unfairness. To the extent that State law is tied to the FTC Act or interpretations thereof, the State legislature is free to change such law. In short, the compromise does not really affect the manner in which unfairness cases have been decided since 1980. Additionally, the bill removes the ban that has existed since 1982 in appropriations bills on FTC unfair advertising rulemakings.

In this latter regard, it is unfortunate but true that normal and appropriate Congressional procedures have been bypassed and abused for many years by those who favor restricting the FTC's authority over unfair advertising practices. Putting legislative restrictions on the FTC's unfairness authority in appropriations bills has become an all too familiar annual practice, particularly in the other body. However one views the merits of the unfairness issue, we can all agree that legislating by appropriations bills is a dangerous and counterproductive practice. It fosters uncertainty about, if not disrespect for, the law. It impedes the appropriate and timely consideration of substantive issues. It takes agency policy review from the committee with subject matter expertise and places it in the hands of a committee that is concerned primarily with funding considerations. As well, the lack of an authorization bill takes its toll on the agency involved. Periodic authoriz-

ing legislation can help to give direction to an agency, to enhance institutional morale, to protect the agency from the uncertainty surrounding annual appropriations bills, and to encourage respect for the agency and the laws under which it operates.

I commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership in this matter. As well, I deeply appreciate the cooperation and guidance we have received from Mr. MOORHEAD and Mr. OXLEY, the ranking Republicans on our committee and subcommittee. I also commend the conferees from the other body, Chairman HOLLINGS, Mr. BRYAN, Mr. FORD, Mr. DANFORTH, and Mr. GORTON, for their work in completing this matter.

Finally, I wish to express my particular appreciation to the gentleman from New York [Mr. MANTON] for his leadership on this legislation. As a conferee, Mr. MANTON played the critical role in achieving a final resolution of the unfairness issue. Mr. MANTON and his administrative assistant, Mr. Steve Vest, provided wise and honest counsel to me and other members of the conference and helped to bridge the gap in communicating with interested parties concerning these issues. Mr. MANTON's key role in resolving an issue that has vexed many Congresses proves again to me his great value to our committee, to the Congress, and to his constituents.

I urge all Members to support this measure today.

□ 1230

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MANTON], to whom the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] referred, and who was so able and so important in the passage of this legislation.

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the conference report on the Federal Trade Commission Act Amendments of 1994. In passing this conference report today, the House will pave the way for the enactment of an FTC authorization bill, an event that has not occurred in 14 years.

I want to take this opportunity to commend Chairman DINGELL, Chairman SWIFT, Mr. MOORHEAD, and Mr. OXLEY, and their excellent staffs, for working to resolve all of the issues before the conference.

Mr. Speaker, the Federal Trade Commission plays an invaluable role in promoting the efficient functioning of our free market economy. The Commission protects business and industry from unfair methods of competition, and it protects consumers from unfair or deceptive advertising and marketing

practices. This conference report strengthens and clarifies the Commission's administrative and enforcement policies and authorizes sufficient funding to ensure the Commission has the tools it needs to fulfill its mission.

Mr. Speaker, much of the debate on this legislation has focused on the FTC's section 18 authority to issue industry-wide rulemaking relating to unfair advertising practices. The Commission has been banned from such rulemaking since 1980. The ban resulted from a number of controversial industry-wide rulemaking proceedings initiated by the Commission during the late 1970's. Industry argued the section 18 authority was vague and overly broad.

The conference report ends the unfairness rulemaking ban, but includes a precise and narrowly defined definition of unfairness.

The conference agreement establishes a three-pronged test to limit unfair acts that cause or are likely to cause substantial injury to consumers, which is not reasonably avoidable by consumers themselves, and is not outweighed by countervailing benefits to consumers or competition.

The definition is derived from the 1980 policy statement of the Commission and a 1982 letter from the Commission regarding unfairness.

The agreement also allows the Commission to consider public policies as evidence in determining whether an act is unfair.

There was some concern that allowing the use of public policy considerations was too vague and broad in scope. However, the use of public policy as evidence in determining unfairness is fully consistent with current FTC practices. Furthermore, the conference report carefully limits the use of public considerations. The conference agreement clearly states that such public policy considerations may not serve as an independent basis for a finding of unfairness.

Mr. Speaker, the willingness of all those concerned with this critical issue to develop a compromise made it possible for this conference report to move forward.

Mr. Speaker, again I want to praise my colleagues on the conference committee and the fine work of their staffs, particularly David Pittsworth of the majority staff and Glen Scammell on the minority side.

I urge my colleagues to vote in favor of the conference report.

Mr. OXLEY. Mr. Speaker, I strongly support the approval of this conference report. This House-Senate agreement on reauthorization of the Federal Trade Commission represents a breakthrough that can end a 12-year lapse in the agency's authorization. Since the last authorization expired in 1982, there have been several reauthorization bills, and some conferences, but never a successful agreement between the two bodies.

1994 is different. This time, through the diligence of our own committee leadership, including Mr. DINGELL, Mr. MOORHEAD, and Mr. SWIFT, as well as the Senate Commerce Committee, we have finally been able to reach a consensus. The conference version of H.R. 2243 reauthorizes the FTC, an agency with very important consumer protection and anti-trust responsibilities. The bill also makes a number of technical improvements to the FTC Act as requested by the FTC on matters relating to enforcement of Commission orders.

The bill also carries forward and makes permanent various limitations on FTC authority that have had to be handled on a temporary basis through annual appropriations riders during the 12-year hiatus in authorizations. These include limits on the FTC's authority over agricultural marketing orders. The most important of these concerns the FTC's authority over unfair acts or practices, and that requires a little background.

During the Carter administration, the FTC went amok. By endeavoring to categorize huge expanses of American advertising as unfair, the agency produced a bipartisan backlash that culminated in the passage of the 1980 authorization. At that time, Congress prohibited rulemakings aimed at advertising, if the rulemakings were premised on the very elastic and vague unfairness standard. However, Congress did not attempt to clarify or define the standard itself, which remained open to varying interpretations.

In this bill, we are filling that gap. While the FTC will be permitted to conduct rulemakings based on the unfairness standard, it may do so only if specific tests concerning the prevalence of the allegedly unfair acts or practices are met first.

In all cases—whether individual adjudications or rulemakings—the FTC will have to comply with specific statutory guidelines regarding what constitutes an unfair act or practice. These guidelines are derived from various administrative pronouncements of the FTC, but for the first time, they will become part of the statute. This will lend permanence and predictability to a legal standard that in the past, has been subject to changing views and interpretations at the FTC.

When instituting any kind of unfairness-based proceeding, the FTC will be required to establish that the act or practice produces substantial consumer injury, that consumers cannot reasonably avoid the injury, and that the injury is not outweighed by other benefits to consumers or to competition. Thus, the agency will have clearer guidance from Congress in this field, and the private sector will have a better-defined standard that is far less prone to abuse than in the past.

The House-Senate agreement on these new standards could not have come about without a lot of hard work by both committees, by the FTC, other Federal and State agencies, and by industry. I want particularly to acknowledge the assistance of the advertising industry and the many companies that manufacture food products and beverages. This was truly a team effort, and the American consumer as well as American business will be better served in the future as a result of this legislation.

In fashioning the new standards for determining whether acts or practices are unfair,

we were working against the background of recent Supreme Court decisions which illustrate a heightened awareness of the first amendment protections that apply to commercial speech, including advertising. Although it does not rise to the level of classic first amendment political expression, commercial speech performs an important role in our society, by informing and educating consumers about the choices available to them. We have been careful in this legislation to avoid unduly restraining the proper uses of truthful commercial speech, a vital element in our successful capitalist economy.

Finally, Mr. Speaker, I want to thank all of my colleagues on the committee who helped move this bill forward, when the outcome was very much in doubt. By their actions, they made a very strong statement on the willingness of this authorizing committee to discharge its responsibilities—even those that prove quite difficult.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the conference report on the bill, H.R. 2243.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF THE WARSAW UPRISING

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 388) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

The Clerk read as follows:

H.J. RES. 388

Whereas August 1, 1994, marks the 50th anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas on August 1, 1944, the Polish Home Army, under the command of General Tadeusz Bor-Komorowski, rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for 63 days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately 250,000 Poles were killed, wounded, or missing;

Whereas in reprisal for this uprising, 70 percent of the city of Warsaw was systematically demolished under the direct orders of Adolf Hitler;

Whereas September 1, 1994, marks the 55th anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just 16 days later by the Soviet invasion from the east and the subsequent occupation of a zone populated by 13,000,000 Poles, these events having led to

the development of a strong underground movement directed by the Polish Government in exile:

Whereas the 3 wartime leaders of the Polish Home Army—Lieutenant General Stefan Rowecki who was murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski who was imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki who was imprisoned by the Soviets and perished in a Soviet jail in 1945—symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas Warsaw was and continues to be the center of national life, culture, and religion for Poland;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character; and

Whereas President Clinton during his July 7, 1994, visit to Warsaw paid special tribute to these important days in Polish history, including the crucial role of the Polish Home Army in the allied war effort, and to the leaders of the Polish Home Army: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States recognizes the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the invasion of Poland during World War II and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in the fulfillment of their national aspirations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes the 50th anniversary of the Warsaw uprising.

On August 1, 1944, the Polish Home Army rebelled against the Nazis who were evacuating Warsaw as the Soviet Army advanced.

The Polish Home Army held major portions of the city of Warsaw against the Nazis for 63 days, with over 250,000 missing, wounded, or killed in the fighting. In reprisal for this uprising, the city was bombed, with over 70 percent of it demolished.

This year, when we are commemorating other momentous anniversaries connected with World War II, I believe it is important that we remember the sacrifice of the Polish people in Warsaw.

I support this resolution and I commend Ms. KAPTUR for working with us to bring this before the House.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises in support of House Joint Resolution 388, a resolution recognizing the 55th anniversary of the Polish resistance to the Nazi and Soviet invasion of Poland as well as the 50th anniversary of the Warsaw uprising against the Nazi occupation of Poland. This Member is pleased to cosponsor this important resolution, and commends the gentlewoman from Ohio [Ms. KAPTUR] for introducing the resolution.

This Member would also recognize the important support offered by the chairman of the Subcommittee on Europe and the Middle East, who also happens to serve as chairman of the full Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON]. The ranking member, the distinguished gentleman from New York [Mr. GILMAN], was similarly supportive and helpful in bringing House Joint Resolution 388 before this body in a timely manner.

Mr. Speaker, it is difficult to understate the magnitude of the suffering that the people of Poland endured during the Second World War. As the resolution correctly notes, when the Polish Home Army rose up in 1944 and fought to rid their homeland of Nazi invaders, it did so at the cost of almost a quarter of a million men, women, and children. Their heroism is all the more notable because they fought against impossible odds, having only the most rudimentary weapons to take on the highly trained Nazi forces. The eventual suppression of the Warsaw uprising does nothing to dim the luster of the Polish effort. As House Joint Resolution 388 correctly notes, the Polish resistance is a powerful and poignant reminder of the power of the human spirit over adversity.

The Polish people retained this rugged and fiercely independent spirit throughout the Second World War, and indeed throughout the years of Soviet domination. With a powerful labor union—Solidarity—and an unshakable faith in the Almighty, the Poles were never fertile ground for communism. It is no surprise, therefore, that they were among the first of the Central European nations to break free from the grip of Soviet control.

Now the people of Poland face new, and equally daunting security challenges. With restive neighbors to the east, Warsaw is understandably eager to become integrated into Western European institutions such as the European Union, the WEU, and NATO.

Our Polish friends are very serious about developing a security relationship with the West. An early signatory of the Partnership for Peace, Polish military units are already participating in NATO exercises, and Polish officers are training at headquarters. In addition, Polish civilian and military personnel are receiving important training at the recently inaugurated Marshall Center in Garmish, Germany.

These are all positive signs, and this Member anticipates that Poland will eventually become an ally of the United States within the NATO alliance.

Mr. Speaker, this Member urges support for House Joint Resolution 388.

Mr. ROTH. Mr. Speaker, 50 years ago the people of Warsaw rose up to fight the Nazi's forced evacuation of their city.

Led by a small group of Polish patriots, the ordinary people of Warsaw took up arms against the occupying army of the Third Reich. Young and old, men and women, all joined together in acts of incredible bravery to fight for their freedom.

The revolt lasted 2 months, but against the Nazi army, it was destined to fail. In truth, the uprising was suppressed with vicious brutality.

No one can go to memorials like Yad Vashem in Jerusalem and not come away deeply moved by the horrible evidence of how the Polish people suffered.

But with their bravery, with their courage and with their sacrifice the Polish people stirred the free world and inspired the other occupied nations to resist the Nazis.

Forty-five years later, the Polish people again inspired the world by throwing off the yoke of Communist domination and embracing freedom. Other nations in Eastern Europe followed Poland's example, and the Soviet empire was brought to an end.

So in a very real sense, the heroes of the cold war were the Polish people—they led the way to freedom.

I know the deep commitment of the Polish people to freedom for their native land, and to the ideal of freedom that is the bedrock of our own country.

My congressional district has many Americans of Polish ancestry.

In the town of Pulaski in particular, Polish-Americans carry the torch of freedom in their hearts—for their homeland and for our country where their forebears made their home.

That is why—today—we in Congress salute the brave and freedom-loving people of Poland with this resolution.

Let me commend the gentlelady from Ohio Ms. KAPTUR for her leadership in drafting this resolution.

And let me urge my colleagues to join me in voting for this tribute to a brave people.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 388.

The 55th anniversary of the invasion of Poland by Nazi Germany and the Soviet Union arrives this September 1.

Just as important, the 50th anniversary of the Polish uprising in Warsaw against the Nazi occupation is also to take place next Monday, August 1.

Both of these anniversaries provide us with an opportunity to recognize the courage of the Polish Home Army in resisting the occupation of Poland by Nazi Germany and the Communist Soviet Union.

These anniversaries also provide us the opportunity to recognize the vital contribution that the Polish resistance made to the Allied victory over Nazi Germany.

If only for those reasons alone, this resolution deserves our support.

At the same time, however, this resolution can serve another important purpose.

It reminds us of the strategic role that Poland has played and continues to play in eastern Europe and how the sovereignty of that country depends on its inclusion in an effective system of collective defense.

Today, a successful defensive military alliance exists in Europe—the North Atlantic Treaty Organization—and Poland should be admitted expeditiously into it.

In his recent visit to Poland, President Clinton stated before the Polish Parliament that, although there appears to be no threat to Polish sovereignty today, history shows us that we cannot take this moment for granted.

President Clinton also stated that it is no longer a question of whether countries such as Poland are to be brought into NATO, but when.

Mr. Speaker, I suggest that it is time to seriously consider the question of when Poland will join NATO.

As you know, I have introduced the NATO Expansion Act of 1994 as a means of getting that important debate underway.

The resolution before this House today reminds us of what is at stake, not just for the Polish people, but for the peace and stability of Europe, and, possibly, the world.

Mr. Speaker, I ask my colleagues to join in passing this resolution, which honors the bravery of the Polish Home Army in fighting for a free Poland and victory over fascism.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this resolution. The gallant uprising of the Armia Krajowa—the Polish Home Army—shall live forever as an example of a heroic struggle against impossible odds. A struggle that was made worse by the duplicity of the Soviets.

As July 1944 ended, the Red Army swept through eastern Poland to the banks of the Vistula River. As the Soviet offensive reached the outskirts of Warsaw, Russian broadcasts announced the impending liberation of the city and urged the workers of the resistance to rise against the retreating invader. This made it necessary for the Polish Government-in-exile in London to issue the order to Lieutenant General Bor-Komorowski, commander of the Home Army, to begin the uprising.

Not to act would have resulted in the Soviet puppet Lublin Government denouncing the Home Army and the legitimate Polish Government as ineffectual at best and virtual Nazi collaborators at worst. But had the Poles succeeded, the political effect of having forces loyal to the legitimate Polish Government liberate the capital themselves and greet the Soviet Army as allies rather than supplicants would have made the post war communization of the country more difficult, if not impossible. For if there had been an up-and-running Polish Government in Warsaw, with troops on the ground it, not the Red Army, would have handled the civil administration in postwar Poland.

On August 1, General Bor issued the proclamation for the Home Army to take up arms and begin the open fight against the German occupier. At 5 p.m. the Polish partisans began their attacks against the German forces. Forty thousand fighting men, only a quarter of them initially armed, stormed strongpoints and key installations. They had ammunition stocks for 7 days and planned to capture enough German equipment to supplement it, but were

forced to fight fixed defenses without heavy weapons. They still came oh so close to victory. By the 6th they held almost the entire city, and were planning to fly in the first representatives of the Government from London within a few days. Then two developments occurred that sealed their fate—the Soviets stopped their advance and the Germans brought in reinforcements.

The Soviets had to deal with a German counterattack to the north and Stalin had no interest in letting rivals to his puppets assume control in Poland. German and Russian soldiers were seen bathing on opposite sides of the Vistula. The Soviet high command refused to allow the Western Allies refueling support for a proposed airlift of supplies.

The Nazis deployed two formations against the Home Army on August 8—both, under the command of SS Gruppenführer von dem Bach-Zawlewski—Kaminski's Russian Legion and the Dirlewanger SS Brigade. Dirlewanger's Brigade consisted of German convicts who specialized in horrific atrocities. Kaminski's unit was made up of turncoat Russians who has also participated in liquidating the Warsaw ghetto a year before and managed to outdo Dirlewanger's troops in the use of terror. The Germans also committed heavy armor, artillery, and specialized weapons such as radio controlled "Goliath" robot tanks and the largest artillery piece in the world—an 80 centimeter railroad gun that required two parallel tracks, four special flatcars, and a crew of over 1,000. The SS troops were brutal beyond belief. Prisoners were burned alive, babies were impaled on bayonets, and the city was systematically destroyed on direct orders of Hitler. Heinrich Himmler told Joseph Goebbels that the sheer violence and terror of the repression would extinguish the revolt "in a very few days."

It took the Germans significantly longer than that. The Poles tenaciously held on, as August turned into September. As the Germans took back the city house-by-house and block-by-block, the Home Army maintained communications between the separated elements of their forces through the sewers.

The British and Americans attempted to air-drop arms and ammunition and consideration was given to dropping the Polish Parachute Brigade. But the Soviet refusal to do anything to provide logistical support doomed these operations. The Soviets finally allowed their puppet Polish Army to attempt to break into Warsaw in mid-September, but the Germans had prepared their defenses and repulsed this attack.

As the Home Army was running out of food, ammunition, and medicine—both to carry on the battle and to sustain the civilian population, General Bor was forced to try and negotiate terms with Bach. Here was when the incredible bravery and tenacity of the Poles made a difference. The Germans were so impressed that they agreed to treat the members of the Home Army and all members of the Polish resistance as combatants under the Geneva Convention. This meant the survivors went to POW camps rather than being executed as partisans. Finally on October 4, after over 250,000 Poles were killed or wounded, the remnants of the Home Army surrendered.

The crushing of the Home Army eliminated any significant non-Communist resistance to

the puppet Lublin government, which would rule Poland until 1989. But the sacrifice of the Polish Home Army may have had another effect. The Red Army was not able to break through the German positions on the Vistula River, capture Warsaw, and proceed toward Berlin until January 1945. How much more of central Europe would Stalin have been able to swallow up had his advance not been delayed by that 4½ months? That is unknown, but what is known is that the heroic struggle to free Warsaw 50 years ago must be remembered and commemorated as long as people love freedom.

□ 1240

Mr. BEREUTER Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the joint resolution, House Joint Resolution 388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF UNITED STATES TROOPS FROM BERLIN AND REAFFIRMING UNITED STATES-BERLIN FRIENDSHIP

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 476) congratulating the people of Germany and the citizens of Berlin on the occasion of the withdrawal of United States troops from Berlin, and reaffirming United States-Berlin friendship.

The Clerk read as follows:

H. RES. 476

Whereas the people of the United States and Germany have enjoyed warm and amicable relations for 5 decades;

Whereas throughout the Cold War the existence of a free and democratic West Berlin served as a symbol of Western resolve in the face of totalitarian aggression;

Whereas the armed forces of the United States have maintained a continuous presence in defense of the city of Berlin for 49 years;

Whereas, in 1948 and 1949, the United States came to the assistance of the people of Berlin during the 462 days of the Berlin airlift;

Whereas, following the construction of the Berlin wall, the armed forces of the United States stationed in Berlin demonstrated the American resolve to participate in the defense of Western Europe;

Whereas the United States takes pride in having admirably fulfilled its administrative responsibilities over its sector in the city of Berlin;

Whereas the citizens of Berlin have reciprocated the United States' commitment by demonstrating warm and genuine hospitality and a willingness to integrate the American community deeply into the life of the city;

Whereas the American people shared the joy of the German people at the collapse of the Berlin wall and German unification;

Whereas the termination of the Warsaw Pact and the subsequent unification of Germany reduced the strategic requirement for a continued United States military presence in Berlin;

Whereas the United States Berlin Brigade, together with French and British contingents stationed in Berlin, are now preparing for their departure from Berlin; and

Whereas the history of friendly relations and longstanding commercial and cultural bonds between the people of Berlin and the United States form a sound basis for continued warm and positive relations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of united Germany;

(2) congratulates the armed forces of the United States, civilian administrators, and the American people for 5 decades of sacrifice and steadfast support for the city of Berlin;

(3) recognizes and salutes the contribution of British and French allies in the defense of Berlin;

(4) reaffirms the North Atlantic Treaty Organization obligations of the United States and America's continued support for a free, democratic, and united Germany; and

(5) welcomes the further enrichment of the relationship between the United States and the city of Berlin based on an approach fostering new traditions in economic and cultural links.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 476 congratulates the city of Berlin as it prepares to resume its position as the seat of government of a unified Germany.

The resolution also congratulates the Armed Forces of the United States for 50 years of sacrifice and support for Berlin; recognizes the contributions of the British and French in defense of Berlin; and reaffirms our NATO obligations in support of Germany.

I want to commend Mr. BEREUTER for introducing this resolution and would recognize him in support of his resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member would like to thank the chairman of the Committee on Foreign Affairs, the distin-

guished gentleman from Indiana [Mr. HAMILTON]. Chairman HAMILTON was extremely helpful in bringing this member's resolution (H. Res. 476) before this body in a timely manner. This Member is genuinely appreciative. Similarly, this Member would like to express his appreciation to his distinguished ranking member on the committee, the gentleman from New York [Mr. GILMAN], who is among the numerous cosponsors of House Resolution 476 and who was quite supportive in the committee.

Mr. Speaker, House Resolution 476 is a straightforward resolution that enjoys bipartisan support in the Congress as well as the strong support of the administration. Simply stated, the resolution recognizes the exceptional contribution to peace and security that has been provided by the U.S. Berlin Brigade. And, as the U.S. forces prepare the depart from Berlin, House Resolution 576 recognizes the special relationship between the United States and the people of Berlin.

For almost five decades, Berlin has been the eye of the cold war storm. The Berlin airlift was the first great demonstration of Western determination to halt Communist aggression. The airlift lasted a year-and-a-half. When it was over there was no question about U.S. resolve.

Nothing more vividly demonstrated the hollow nature of the Soviet promise of a workers' paradise more than the fact that they had to build a wall to prevent their population from fleeing. Nothing more vividly demonstrated the indomitable human spirit that the countless thousands who would risk everything to escape over, under, or through the Berlin wall. And, when the Berlin wall came down, we knew the end of the Soviet empire was close at hand.

Throughout it all, the presence of the U.S. Armed Forces—most notably the U.S. Berlin Brigade—was an unmistakable demonstration of our commitment to freedom and liberty.

Over the years, more than 100,000 Americans have served in Berlin. And time and time again, American service men and women demonstrated extraordinary actions of heroism and humanity. Take for example, the case of Hans Puhl, who was standing sentry one day in 1964 when a young East Berliner was shot making a dash for freedom. Oblivious to the danger, private Puhl jumped the wall, and carried the wounded man to freedom.

Or take the example of Colonel Halvorsen, the Air Force pilot who made a point of dropping packages of candy to the children of Berlin during the 1948 airlift. Or Sidney Shachnow, a Holocaust survivor who eventually rose to become a general in the U.N. Army, and commander of the Berlin Brigade.

These Americans—and countless others—have become an integral part of Berlin's history and tradition.

Two weeks ago President Clinton traveled to Berlin and officially demobilized the Berlin Brigade. On September 6, the brigade, together with the British and French contingents, will march out of Berlin. In doing so, the nature of our relationship with the people of Berlin will observable change. The troops will be gone, but this Member believes that we can be confident that the friendly relationship between the United States and the people of Berlin will remain.

The State Department now talks of terms of "new traditions," with the implication being that links between the United States and the German people will emphasize shared values, a common culture, and greater economic links. And, as Berlin is about to once again become the capital city of a united Germany, the city is about to assume a much greater political and diplomatic importance.

House Resolution 476 congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of a united Germany.

The resolution commends the U.S. Armed Forces and the American people for five decades of sacrifice and steadfast support of freedom, and recognizes the vital contributions may by our French and British allies.

It reaffirms the our NATO commitment, and expresses the intent to build upon the excellent relations with the people of Berlin.

Mr. Speaker, this Member urges adoption of House Resolution 476.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, let me join with the gentleman from Nebraska [Mr. BEREUTER], in supporting this resolution to commend the people of Berlin for their long struggle against Communist domination.

For five decades, Berliners symbolized the fight against the Soviet occupation of Eastern Europe. Their courage during the 462 days of the Berlin airlift inspired the world.

For 50 years, American troops defended Berlin as an outpost of freedom in Soviet-occupied East Germany.

Now, with the cold war over, American forces are finally departing Berlin, their long term of duty completed.

Without question, the continued freedom of Berlin, guaranteed by American, British and French forces, was a key factor in eventually bringing down the Soviet empire.

The American people supported the goal of freedom for Berlin and East Germany.

We never gave up.
We never lost hope.

And today the German people are reunited in a free country.

This resolution commemorates that long struggle, and honors those people—American and German, as well as

British and French, who made this day possible.

The 58 million Americans of German descent have a special reason to be proud today—of their forebears' homeland and of America.

Mr. GILMAN. Mr. Speaker, I would like to commend the gentleman from Nebraska [Mr. BEREUTER] for his initiative in introducing House Resolution 476 which offers the congratulations of the House of Representatives to the United States Forces who will withdraw from Berlin next month, having successfully completed their mission safeguarding Berlin and West Germany through the many years of the cold war. The resolution also congratulates the courageous people of Berlin themselves, and our allies, Britain and France, who joined us in sustaining this effort.

I am confident all members will join in supporting this resolution as an expression of the pride that we as Americans share in the dedication of the brave men and women of our U.S. armed forces who served in Berlin during the cold war.

As they withdraw from a city now united, I hope the example they have set will remind us of our ability to defend freedom even in the face of the toughest adversaries. I ask all of my colleagues here to join in proudly saying aye to this measure as a tribute to the accomplishments of our departing Armed Forces in Berlin.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, H. Res. 476. The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1250

URGING THE GOVERNMENT OF BURMA TO RELEASE AUNG SAN SUU KYI

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 471) to urge the Government of Burma (Myanmar) to release Aung San Suu Kyi, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 471

Whereas in 1988, the Burmese regime brutally suppressed nationwide pro-democracy demonstrations, resulting in the deaths of several thousand people and the imprisonment of several thousand others;

Whereas in 1989, the Burmese regime placed under house arrest Aung San Suu Kyi, the daughter of Burma's founding father and

the most prominent figure in the pro-democracy movement;

Whereas in May 1990, the Burmese people in free and fair elections awarded over 80 percent of the National Assembly seats to the National League for Democracy;

Whereas the military regime responded to this expression of the will of the Burmese people not only by refusing to relinquish power, but by further cracking down on opposition politicians and those who supported democracy and human rights in Burma;

Whereas the inhumane practices of the regime prompted a quarter million Rohingya refugees to flee into Bangladesh, where most remain today in refugee camps;

Whereas in 1991, Aung San Suu Kyi was awarded the Nobel Peace Prize for her efforts on behalf of a peaceful transition to democracy in Burma;

Whereas in 1993, several past winners of the Nobel Peace Prize, having been denied permission to visit Burma, traveled to Thailand to call for the release of Aung San Suu Kyi;

Whereas martial law remains in effect in Burma today, with hundreds of political prisoners in custody, human rights frequently violated, and national minorities driven into exile;

Whereas the Government of Burma has denied international humanitarian agencies free and confidential access to prisoners;

Whereas credible reports continue to link Burmese Government officials to the illegal trafficking into Thailand, for purposes of forced prostitution, of approximately 10,000 Burmese women and girls each year, many of whom are deported back to Burma infected with the virus that causes the acquired immune deficiency syndrome (commonly referred to as the "HIV virus");

Whereas the national convention convened by the Burmese Government in January 1993 to begin work on a new constitution does not have the mandate of the Burmese people, nor appear to be progressing toward putting political power in the hands of a freely elected civilian government;

Whereas the United Nations Commission on Human Rights and United Nations General Assembly have adopted consensus resolutions deploring the human rights situation in Burma and expressing grave concerns about the lack of progress toward democracy as well as abuses such as summary and arbitrary executions, torture, forced labor, and oppressive measures against women and ethnic and religious minorities;

Whereas Burma has for many years been the world's largest producer of opium and heroin;

Whereas the United States Government in each of the past 5 years has denied the Government of Burma certification under chapter 8 of part I of the Foreign Assistance Act of 1961 due to a lack of cooperation on narcotics control efforts;

Whereas the problem of drug production and trafficking in Burma cannot be adequately addressed until there is a restoration of democracy in that country;

Whereas credible reports continue to link Burmese Government officials and military officers to drug trafficking;

Whereas since 1988 the United States has been in the forefront of international efforts to promote democracy and human rights in Burma;

Whereas in 1992, the House of Representatives adopted House Resolution 473, which condemned human rights abuses in Burma and called upon the President to seek a mandatory international arms embargo against Burma;

Whereas in fiscal year 1993 the Congress earmarked \$1,000,000 to support assistance for Burmese refugees and students on both sides of the Thai/Burma border;

Whereas United States corporations are under increasing pressure from stockholders to divest their holdings in Burma and otherwise to refuse to do business in Burma so long as the current military regime continues to abuse the political and human rights of its people;

Whereas the Government of Thailand has invited the Burmese regime to participate in some of the meetings of the Association of Southeast Asian Nations (ASEAN) in July 1994;

Whereas the Government of Thailand has prohibited senior officials of the National Coalition Government of the Union of Burma from entering Thailand;

Whereas July 19, 1994, will mark the 5th anniversary of Aung San Suu Kyi's imprisonment;

Whereas in March 1994 the United Nations Commission on Human Rights noted measures taken by the Government of Burma (including the reopening of universities, the release of over 2,000 political prisoners, the signing of a Memorandum of Understanding providing for a United Nations Commission on Human Rights presence in Arakan province to monitor the voluntary repatriation and reintegration of Rohingya refugees from Bangladesh, and the achievement of ceasefire agreements with several ethnic and religious minority groups in Burma), but at the same time deplored the continued seriousness of the human rights situation in Burma; and

Whereas the Government of Burma has for the first time permitted meetings between foreign visitors and political prisoners (including Aung San Suu Kyi), but continues to deny the United Nations special rapporteur access to Aung San Suu Kyi: Now, therefore, be it

Resolved,

SECTION 1. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF BURMA.

It is the sense of the House of Representatives that the Government of Burma should—

(1) immediately and unconditionally release Burma's political prisoners, including Aung San Suu Kyi;

(2) permit the transfer of political power to an elected civilian government based upon the results of the 1990 election;

(3) fully respect the human rights and fundamental freedoms that are the birthright of all peoples;

(4) end the practice of forced labor, including portering for the military;

(5) allow free and confidential access to all prisoners, including prisoners of conscience, by international humanitarian agencies;

(6) permit international human rights organizations regular access to villages and detention centers to monitor the repatriation of Burmese victims of illegal trafficking into Thailand for purposes of forced prostitution;

(7) implement fully the Memorandum of Understanding with United Nations Commission on Human Rights and create the necessary conditions to ensure an end to the flows of refugees to neighboring countries and to facilitate the speedy repatriation and full reintegration, under conditions of safety and dignity, of those who have already fled Burma;

(8) respect fully the obligations set forth in the 1949 Geneva Conventions, in particular the obligations in common article III, and make use of such relief services as may be

offered by impartial humanitarian bodies; and

(9) take effective law enforcement actions against those individuals within the Burmese Government (including the Burmese military), as well as those outside the government, who are engaged in the production and trafficking of illicit narcotics.

SEC. 2. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF THE UNITED STATES.

It is further the sense of the House of Representatives that the President, the Secretary of State, and other United States Government officials and representatives should—

(1) urge the Government of Burma to release, immediately and unconditionally, Aung San Suu Kyi and other political prisoners;

(2) maintain the current United States ban on all forms of nonhumanitarian assistance to Burma;

(3) disperse the funds previously appropriated to support assistance for Burmese refugees and students along the Thai/Burma border;

(4) maintain current limitations on the provision of bilateral narcotics control assistance to the Government of Burma until that government demonstrates a genuine commitment to combating the scourge of illicit narcotics production and trafficking while continuing, and if appropriate, strengthening international efforts through the United Nations Drug Control Program to reduce and eliminate the massive heroin production and trade from Burma that now threatens the world;

(5) continue to oppose loans to Burma in accordance with chapter 8 of part I of the Foreign Assistance Act of 1961;

(6) consider imposing further economic sanctions against Burma, and encourage other members of the international community to take similar steps;

(7) elevate the issues of democracy and human rights in Burma in the conduct of United States relations with other members of the international community, particularly in coordination with Japan, China, and the members of the Association of Southeast Asian Nations;

(8) maintain United States support for the appointment by the United Nations Secretary General of a special envoy to focus on conflict resolution as the basis of national reconciliation and the restoration of democracy in Burma;

(9) urge the Government of Thailand to work with the Government of Burma to investigate the involvement of border police in both countries in the illegal trafficking of women and girls into Thailand for purposes of forced prostitution;

(10) ensure that, during the July 1994 Post-Ministerial Conference of the Association of Southeast Asian Nations, the Secretary of State calls on the members of the Association of Southeast Asian Nations to support the international consensus on Burma by urging the Government of Burma to unconditionally release Aung San Suu Kyi and to indicate its willingness to cooperate with a special envoy appointed by the United Nations Secretary General;

(11) maintain the unilateral United States arms embargo against Burma, and encourage the other members of the international community, most particularly People's Republic of China, Thailand, and the other members of the Association of Southeast Asian Nations, to prohibit arms sales and transfers to Burma;

(12) encourage other members of the international community to halt all nonhumanitarian assistance to Burma or, at a minimum, to condition any new official assistance on significant progress by the Government of Burma toward respecting the human rights and fundamental freedoms of its people;

(13) encourage the legislatures of other nations to call for the restoration of a democratic government in Burma, including the release from prison of Aung San Suu Kyi and the other parliamentarians elected in 1990; and

(14) continue to encourage the United Nations and its specialized agencies operating in Burma—

(A) to use particular care to ensure that their activities meet basic human needs, do not benefit the present military regime in Rangoon, and promote the enjoyment of internationally recognized human rights, and

(B) to work through nongovernmental organizations to the greatest possible extent.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 471, originally offered by Representatives ACKERMAN and LEACH, seeks to support democracy and human rights in Burma.

This resolution expresses the sense of the House that the military authorities in Burma should hand over the reins of government to those who in 1990 were elected to govern.

It restates our admiration and support for the imprisoned pro-democracy activist and Nobel laureate Aung San Suu Kyi;

It calls on the U.S. Government to elevate democracy and human rights in Burma in our diplomatic dialog;

It urges greater international pressure on the military regime in Rangoon;

And, it sends a forceful message that we are not prepared to deal with the regime in Burma on the basis of "business as usual."

As many of my colleagues know, Burma has been governed since 1988 by one of the world's truly odious regimes, known as the SLORC.

In 1990, in a monumental miscalculation, the SLORC permitted the holding of free elections.

To the regime's surprise and consternation, the Burmese people gave their overwhelming support not to the junta, but to the National League for Democracy, whose leader Aung San Suu Kyi languished under house arrest.

The regime responded not by relinquishing power, but by simply ignoring the election results and stepping up its repression.

Last week marked the fifth anniversary of Aung San Suu Kyi's imprisonment.

I can think of no more fitting way to express our support for this courageous woman than by adopting this resolution.

House Resolution 471 is supported by the administration and has widespread backing, on both sides of the aisle, in this body.

So it is with great pleasure that I urge my colleagues to support adoption of this resolution.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of House Resolution 471, this Member rises in the strongest possible support for this clear and unequivocal denunciation of tyranny in Burma.

This Member would like to commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], and the ranking Republican on the committee, the gentleman from New York [Mr. GILMAN] for their support and assistance in moving this resolution in a timely manner. In addition, this Member would recognize the continuing efforts of the chairman and ranking minority member of the Asia and Pacific Subcommittee, the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] for their unswerving efforts to restore democracy to Burma.

Five days ago marked the fifth anniversary of Aung San Suu Kyi's imprisonment. It is shocking that a Nobel Peace Prize winner can be jailed for 5 years in a Burmese jail while most of the world continues business as usual with those that imprison her.

According to the State Department's annual report on human rights, the junta known as the SLORC that rules Burma "routinely" uses forced labor "for its myriad building projects," especially large road and railroad construction.

On July 17, the New York Times documented another massive forced labor program where tens of thousands are being paid nothing to reconstruct tourist attractions so that the government can gain access to hard currency. The junta in Burma has decided that the solution to its economic crisis is to become a tourist mecca, exploiting its natural beaches. And to that end, many of the very students who protested on behalf of democracy have been thrown into the labor gangs that are building roads to these new "resorts."

Far worse than the building projects, human rights groups inform us, is the army's policy of abducting young men and women to serve as porters for the military. According to the State Department's annual human rights report, hundreds of porters are thought to have died just last year "from disease and overwork, though reports of

mistreatment and rape were also common." Many of the porters are left unattended to die when they can go no further.

In addition to the massive human rights violations perpetrated upon the Burmese people our own citizens suffer tremendously from SLORC's rule.

The vast majority of heroin being sold in our Nation's school yards is refined from Burmese opium. Ever since the SLORC stole the election from the freely elected winners of the 1990 election, our law enforcement officials have never before seen such enormous amounts of the drug being sold in such purity so cheaply.

This Member sincerely hopes that next year there will be a democratic government in Burma—a democratic government that cuts the flow of the chip cheap and terrible poison that is pouring into our Nation. And one that respects the human rights of its own citizens.

Accordingly, this Member urges his colleagues to support the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, let me join with the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] in supporting this resolution. Aung San Suu Kyi remains under house arrest by the Burmese military regime, after 5 long years.

She is a prisoner of conscience.

Her crime is that she speaks out against repression and in favor of freedom. She is a symbol of the desire of Burmese people to be free.

Recent reports that Burma is using forced labor merely underscores the importance of this resolution. The American people have always made common cause with people who are fighting for their freedom.

In that spirit, this brave young woman deserves the support of the American people. The Government of Burma must be told in clear terms that their pattern of repression is unacceptable to the Congress, to the American people and to the world community.

Mr. LEACH. Mr. Speaker, let me thank Chairman ACKERMAN, our full committee ranking member, Mr. GILMAN, as well as Representative ROHRBACHER for their leadership in supporting this very timely and important resolution on Burma.

All Members are of course familiar with the tragic circumstance afflicting Burma today. The Burmese people continue to be ruled by a military dictatorship—appropriately known by the sinister acronym SLORC—that is one of the worst human rights abusers in the whole of East Asia, if not the world.

Particularly distressing is the continuing house arrest of Nobel Prize Laureate Aung San Suu Kyi, the negation of the results of the May, 1990, elections, and the ruling junta's efforts to manipulate a constitutional convention

in order to ensconce and legitimize continuing military rule.

Meanwhile, very credible allegations of grave human rights abuses continue: including torture, forced labor, abuse of women, lack of fundamental freedoms, and oppressive measures against ethnic and religious minorities.

While limited measures have been taken by the SLORC since April, 1992, to address the grave human rights concerns of the Burmese people and the international community, they have been clearly insufficient to date to demonstrate that change is real and not merely cosmetic. At a minimum, the SLORC needs to immediately begin a genuine dialog with Aung San Suu Kyi.

From a congressional perspective, the challenge facing the United States in advancing our democratic, humanitarian, and counter-narcotics objectives in Burma is to maximize our limited leverage to promote progressive change. Herein lies a vexing policy dilemma.

The instinct of many at home and abroad is for Washington to take the lead in heightening the economic and political isolation of the Burmese regime, multilaterally if possible but unilaterally if necessary.

But the strong instinct of the parties with the greatest influence on Burma—ASEAN, China, and Japan—has been to downplay public criticism of the regime while to some degree urging Rangoon to moderate its behavior and open up to the outside world.

And the stark political reality with which we must contend is that there is virtually no international support for imposing additional economic sanctions against Burma—certainly none in East Asia. Even our ally Australia, which itself has a strong record of promoting human rights, is rethinking the wisdom of a purely punitive policy for dealing with Rangoon.

In this regard, it would appear that the administration has had some difficulty in reconciling a unilateral policy of isolation with other and possibly more nuanced alternatives.

With great fanfare, President Clinton announced last May a comprehensive review of United States policy toward Burma. Some 10 months later, in March, 1994, the review was only nominally complete. Overarching and common-sensical U.S. policy goals, such as establishing priority to promoting democratic and humanitarian objectives, were boldly embraced. But most hard issues—such as designing a roadmap for future relations with the Burmese regime—were quietly deferred. Most unfortunately, we are now some 14 long months into the policy review with no date certain for its completion.

Meanwhile, the United States is bereft of ambassadorial leadership in Rangoon, experienced working level hands within the State Department—such as Deirdre Chetham and John Finney—will be moving on to other posts, and more senior policymakers within the East Asia Bureau appear preoccupied with more vital foreign policy issues. In fact, it has been difficult to consistently identify any senior official with the formulation of United States policy toward Burma.

Frankly, this awkward circumstance has become an increasing source of bipartisan exasperation in the Congress. While Burma is clearly not a pressing geopolitical concern,

United States interests are far from trivial. Indeed, the administration recognized such when it purported to elevate Burma on the United States foreign policy agenda. Worse yet, a vacuum in U.S. policy could not materialize at a less propitious time.

Internally, the situation is still largely grim. Despite widespread antipathy to the SLORC's iron-fisted rule, there appears to be little prospect that their military regime will either collapse or cede power any time soon. As already mentioned, the National Convention to rewrite the Constitution is of course a stage-managed sham.

On the other hand, the SLORC has recently negotiated cease-fire agreements with Burma's ethnic insurgents, suggesting an end to—or at least hiatus in—the country's long-running civil war. Whether such agreements will prove politically durable, facilitate external humanitarian assistance and sustainable development, as well as end refugee flows remains to be seen.

Burma has also signed an MOU with the U.N. High Commissioner for Refugees to facilitate the safe return of hundreds of thousands of Rohingya refugees from Bangladesh. Whether or not Rangoon will fully implement the agreement, however, remains uncertain.

Over the past year the regime has also provided unprecedented access by official U.S. visitors to political prisoners, including Congressman BILL RICHARDSON's remarkable February visit with Aung San Suu Kyi. But similar access by U.N. officials continues to be denied. The SLORC has also given tantalizing hints that it may at last begin a genuine dialog with Aung San Suu Kyi. And in Bangkok at the annual ASEAN meeting the Burmese Foreign Minister reportedly suggested that Rangoon was amenable to beginning discussions with the U.N. Secretary General on human rights.

Needless to say, the executive branch as well as the Congress will be watching all these developments closely and expecting positive results.

Externally, Burma is casting aside its traditional policy of isolation and rapidly deepening diplomatic relations with Southeast Asia. For example, this week Burma is making its maiden appearance before the ASEAN post-Ministerial Conference in Bangkok, attending as a guest of Thailand. Significantly, its commercial relations with China and the ASEAN States, and potentially others outside Southeast Asia, also show signs of dramatic expansion.

In short, while United States policy may be frozen in place the situation in Burma is not. In this context, it is fair to ask whether U.S. policy—or at any rate the interminable policy review—is being outstripped by events.

Here I would only reiterate my long-held view that the United States should provide humanitarian assistance to displaced Burmese as well as refugees and students, work to expand the presence in Burma of various U.N. agencies and particularly nongovernmental organizations, while making much more concerted efforts to coordinate with our friends in ASEAN and Japan—and when possible with China—on a broad approach to promoting more humane governance in Rangoon.

In addition, the United States should continue to seek the appointment of a U.N. Special Envoy to Burma, as well as use other

U.N. fora to call attention to and seek redress of the ongoing serious human rights situation in Burma, such as the unconditional release of nonviolent political prisoners including Aung San Suu Kyi. While I am very sympathetic to any possible arms embargo, prospects for negotiating such appear quite dim.

While the resolution before us does not speak to the issue of U.S. representation in Rangoon, I continue to believe that U.S. interests would be better served if we sent an ambassador with a strong human rights record and extensive background in working with opposition democratic groups. The dispatch of an ambassador to Rangoon would in no way signal approval of the current regime, or lend it any legitimacy. After all, the United States routinely sends ambassadors to countries whose policies we find abhorrent.

Mr. Speaker, few Americans would believe today that Burma was once one of the most energetic and fastest growing countries in Southeast Asia. Today it is being left behind by its dynamic neighbors.

Why has it failed to live up to its rich potential? Some blame it on history and culture; that Burma is destined to be the world's "odd man out," that free markets and free ideas can't take root in this unique and isolated land.

My own view is that is the SLORC's egregious misrule—rather than any complex historical legacy—which is chiefly responsible for Burma's recent isolation and underdevelopment. Indeed, that was the verdict of the people of Burma in the May, 1990, elections, when they delivered such a devastating rebuke and vote of no-confidence in the military regime.

To quote the symbol and inspiration of Burma's prodemocracy movement, the indomitable Aung San Suu Kyi, "The quest for democracy in Burma is the struggle of a people to live whole, meaningful lives as free and equal members of the world community."

All Members can thoroughly identify with those universal, democratic ideals. And while there may be some tactical differences of approach to dealing with Burma, the Congress is certainly unanimous in its support for restoring democratic governance, in demanding respect for human rights and fundamental freedoms, and in ending the production and trafficking of illicit narcotics.

There could be no more appropriate time for this Congress to urge the military leaders in Rangoon to unconditionally release Aung San Suu Kyi and all other political prisoners, as well as to fully respect the human rights and fundamental freedoms of the people of Burma. I urge the adoption of the resolution.

Mr. ACKERMAN. Mr. Speaker, I rise in enthusiastic support of House Resolution 471, regarding democracy and human rights in Burma.

I wish it could be otherwise. I wish we did not have to take up this resolution, but the military despots in Burma leave us no alternative. Eighteen months ago, some Burma watchers thought they detected tantalizing hints of change in that country. A national convention had been called, ostensibly to draft a new constitution. The Rangoon Government had released some of its political prisoners, and had given family members and foreign visitors access to others still in detention.

American businesses were being courted by a regime hungry for outside financing.

Alas, our hopes that these developments represented something more than mere cosmetic changes seem to have been illusory. Repression remains the lot of the Burmese people. The victors in 1990's election are still denied the opportunity to form a government based upon the freely expressed will of the Burmese people. Aung San Suu Kyi, the embodiment of Burma's desire for democracy—whose brave defiance of tyranny won her not only the Nobel Peace Prize, but also the admiration of literally millions of people around the world—continues to languish under house arrest, while the Rangoon regime's hold on power appears firmer than ever.

So it is with great pride that I voice my support for this resolution, which Representative JIM LEACH and I have drafted.

Mr. Speaker, few of our constituents will know of our actions today in adopting this resolution. But I can guarantee you one thing: The people of Burma will hear of it. And be cheered by it. Cheered in the knowledge that they are not alone—that the world has not forgotten them in their time of trial—that freedom-loving peoples around the globe salute their courage, laud their steadfastness, and admire their devotion to the ideas of liberty and self-determination.

And so, I urge my colleagues not simply to support this resolution, but to redouble their efforts on behalf of Aung San Suu Kyi and the ideals for which she and her people continue to struggle. The forces of evil cannot and will not prevail. The day of triumph for those who cherish freedom will soon be at hand.

Mr. PORTER. Mr. Speaker, I support passage of House Resolution 471, which supports human rights and democracy in Burma and urges the Government of Burma to release Aung San Suu Kyi, the leader of the democratic opposition party in Burma. Because Aung San Suu Kyi's dedication to freedom and commitment to human rights made her a threat to the State Law and Order Restoration Council, the military regime that rules in Burma, they placed her under house arrest in 1989. Despite her incarceration in May, 1990, the Burmese people elected her party, in a free and fair election, to represent them. In 1991, Suu Kyi was awarded the Nobel Peace Prize for her nonviolent efforts to bring democracy to Burma. This year, the SLORC extended Suu Kyi's sentence for 1 more year. Today, martial law remains in effect in Burma. Human Rights Watch/Asia states that hundreds of political prisoners remain behind bars. Torture, ill-treatment, forced labor, denial of freedom of speech and association, and other human rights violations continue unabated. As Members of the U.S. Congress we must condemn these violations. Last week 28 Members of the House and 26 Members of the Senate joined me in sending a clear and unambiguous message to the SLORC leadership that stated increased political and economic relations with Burma should only occur if there is concrete progress in terms of their human rights conditions.

House Resolution 471 calls for the release of Aung San Suu Kyi and other political prisoners in Burma, it considers imposing further economic sanctions against Burma, and it

asks for the appointment of a U.N. Special Envoy to focus on the conflict in Burma. I urge my colleagues to support these recommendations by adopting House Resolution 471. I commend Mr. ACKERMAN and Mr. LEACH for their work in exerting pressure on the Burmese military to improve its dismal human rights performance and I call on my colleagues to join us in this effort.

Mr. GILMAN. Mr. Speaker, I want to commend Chairman HAMILTON and the chairman and ranking Republican member of the Asia and Pacific Subcommittee, Mr. ACKERMAN and Mr. LEACH, for bringing this resolution before us today, just days after the fifth anniversary of Aung San Suu Kyi's imprisonment. I especially want to commend Mr. ROHRBACHER for his leadership and personal interest in this issue.

It is a sad anniversary for all of us. Five years ago there was so much hope for Burma. Along with the promise of democracy and human rights for the Burmese, the international community won honest assurances from freely elected Burmese Government officials that they would actively pursue strong drug interdiction efforts.

Unfortunately, the military government refused to step down. And recently it made deals with drug growing minorities such as the Wa and Kokang that they can continue to grow opium as long as they set aside their armed rebellions.

The SLORC profits from a Burmese drug trade that supplies three-quarters of the heroin reaching America's streets. Burma is the world's largest source of illicit opium and heroin today. In New York, the drug's quantity and purity are higher than ever, and free samples are often provided our young children on the streets to hook them on this powerful narcotic.

Last week, in Bangkok, the SLORC for the first time, was seated as observers at the annual meeting of ASEAN. I hope that our Secretary of State who will be present at the ASEAN meeting registers his strong disapproval.

A recent alarming 44-percent increase in United States hospital related heroin admissions over a similar 6-month period not long ago, is stark and alarming evidence that the Burmese heroin problem cannot be ignored here at home. This is a tragic war that we cannot afford to lose and we need to focus our resources and attention on those that benefit from the destruction of our Nation's very fabric. Admittedly, the Burmese Government's involvement in the drug trade has made it difficult for us to find a way to apply our resources to adequately tackle the problem.

Fortunately, the U.N. International Drug Control Program [UNDCP] is on the ground doing good work.

The resolution before us calls on the U.S. Government to work with the UNDCP and continue those counternarcotics efforts, and where appropriate, we must seek to expand the efforts of the UNDCP. The entire world has a stake in the struggle and UNDCP is our best hope today for any progress in this critical area.

Accordingly, I urge my colleagues to support the resolution and I hope that next July Suu

will be released and the world will have a government in Burma that will work with us against drug traffickers.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the resolution, H. Res. 471, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1300

CONCERNING MOVEMENT TOWARD DEMOCRACY IN THE FEDERAL REPUBLIC OF NIGERIA

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) concerning the movement toward democracy in the Federal Republic of Nigeria, as amended.

The Clerk read as follows:

H. CON. RES. 151

Whereas the people of the Federal Republic of Nigeria and the international community had been led to believe that the presidential election held in Nigeria on June 12, 1993, would result in a return to full democratic civilian rule in Nigeria;

Whereas General Ibrahim Babangida, the head of Nigeria's military government at the time of the June 12, 1993, election, interrupted the release of the election results on June 23, 1993, and later annulled the election, thereby preventing a return to civilian rule;

Whereas the election process indicated that voters in Nigeria—a country with a population of approximately 90,000,000 individuals comprising 250 ethnic groups and spread across 357,000 square miles—were expressing a spirit of national unity that transcended ethnic, religious, and regional allegiances;

Whereas reported returns suggested that Moshood Abiola of the Social Democratic Party was receiving a substantial majority of the votes cast, leading the poll in 20 of the 30 states in Nigeria;

Whereas the annulment of the presidential elections resulted in various forms of civil unrest, which in turn led to the death of more than 100 individuals;

Whereas an interim government established by General Babangida on August 27, 1993, and headed by Ernest Shonekan, failed to win the support of the Nigerian people;

Whereas General Sani Abacha took power on November 17, 1993, appointing an unelected provisional ruling council to govern Nigeria;

Whereas General Abacha and the provisional ruling council, upon taking power, stated their commitment to an early return to civilian and democratic rule, and named several prominent democratic political figures to serve in the government;

Whereas the political and economic conditions in Nigeria have continued to deteriorate in the months since Abacha took control of the country;

Whereas the faith of the Nigerian people in the viability of the nation as a unified whole must be preserved, and the balkanization of Nigeria guarded against;

Whereas the people of Nigeria have not accepted the continuation of military rule and have courageously spoken out in favor of the rapid return of democratic and civilian rule;

Whereas on May 15, 1994, a broad coalition of Nigerian democrats formed the National Democratic Coalition calling upon the military government to step down in favor of the winner of the June 12, 1993, election;

Whereas the confidence of the Nigerian people and the international community in the provisional ruling council's commitment to the restoration of democracy can only be established by a sustained demonstration of a commitment to human rights, due process, and the return of civilian rule;

Whereas the United States would prefer to have a relationship with Nigeria based upon cooperation and mutual support but cannot, and will not, condone or overlook the denial of democratic civilian rule—against the clear wishes of the Nigerian people—by the provisional ruling council or any other body in Nigeria;

Whereas the lack of support from the Nigerian authorities on drug trafficking issues has recently forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics proliferation issue;

Whereas continuing credible reports of widespread corruption and questionable business practices in the Nigerian Government, and the lack of cooperation in addressing these problems by the Nigerian Government, further undermines Nigeria's credibility in the international community;

Whereas the steps taken by the international community in response to the refusal of the Nigerian military to relinquish power serve both to encourage the people of Nigeria in their legitimate struggle for democracy and to limit the ability of the military to entrench its rule; and

Whereas Nigeria's leadership role on the African continent and its international influence will be severely compromised by its failure to rejoin the world community of democratic nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to support the Nigerian people in their commitment to unity and democracy as evidenced by their participation in the June 12, 1993, presidential election in the Federal Republic of Nigeria, and in their subsequent insistence on the return to full civilian and democratic rule;

(2) endorses the steps taken by President Clinton and the Administration—specifically the restrictions on assistance to agencies of the Nigerian Government, the suspension of military cooperation between the United States and Nigeria, the restrictions on travel to the United States by officials of the Nigerian military regime, and the insistence that full normalization of United States—Nigeria relations depends upon the restoration of civilian democratic rule—to demonstrate United States opposition to the annulment of such election and to encourage the restoration of fully democratic and civilian rule in Nigeria;

(3) urges the Administration to continue all actions designed to encourage the restoration of civilian rule in Nigeria, espe-

cially the restriction on travel to the United States by officials of the military regime, until concrete and significant steps have been taken toward a genuine transition to a democratically elected civilian government in Nigeria;

(4) encourages the Administration to explore additional measures that might be taken, either unilaterally, in cooperation with other nations, or through multilateral institutions such as the International Monetary Fund and the International Bank for Reconstruction and Development, to constructively encourage the restoration of democratic and civilian rule in Nigeria;

(5) requests that United States officials, both in the United States and in Nigeria, consistently reiterate United States insistence upon the rapid return of civilian and democratic rule in Nigeria, and that United States Government agencies such as the United States Information Agency and the Agency for International Development, as well as publicly supported agencies such as the National Endowment for Democracy, should provide support for activities aimed at strengthening democratic forces and democratic institutions in Nigeria;

(6) condemns the recent arrests by the Nigerian military authorities of Chief Abiola and other political leaders and democracy advocates, as well as the new restrictions imposed on freedom of expression; and

(7) urges General Abacha and the provisional ruling council in Nigeria, in order to maintain the viability of Nigeria and restore political stability and to avert the further deterioration of relations between Nigeria and the United States, to—

(A) fully restore freedom of the press, with access to all contemporary political and electoral information, fully respect human rights, and fully restore the independence and authority of the judiciary in Nigeria;

(B) immediately release Chief Abiola and the other political leaders and human rights activists who have been arrested or detained;

(C) decisively move to resolve the political crisis in Nigeria by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military; and

(D) positively respond to United States and other international efforts to constructively encourage the restoration of democracy in Nigeria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 151 is a timely bill to encourage a return to democracy and civilian rule in Nigeria. It is timely because in the last few weeks Africa's largest and most prosperous country is experiencing a major oil strike called to demand the release of Moshood Abiola, a Social Democrat, who has been imprisoned for announcing his claim to the Presidency. At least 20 people were killed during protests in different locations in Lagos on Monday of last week. Demonstrations were also reported in

Ibadan, Nigeria's second largest city. House Concurrent Resolution 151 was initiated following the June 12, 1993 annulled election for President in which Chief Abiola was reported leading in 20 of the 30 states in Nigeria. The election was significant because Nigeria's 90 million people comprising some 250 ethnic groups, were voting across ethnic lines and expressing a spirit of national unity that transcend religious and regional allegiances.

As we view daily the stream of hundreds of thousands of Rwandan refugees we should remind ourselves that as serious as this is, it may only be a prelude to a larger disaster that could happen in Nigeria if timely action is not taken. House Concurrent Resolution 151 traces the history of one promise after another by former military dictator Babangida and his successor General Abacha to reinstate civilian rule. These have yielded no positive results.

The resolution points out the lack of support from the Nigerian authorities on drug trafficking issues that forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics issue. An issue that affects the youth of our land—not just Nigeria, but right here in the United States—in your community and mine.

The U.S. business community is complaining about the widespread corruption that is destroying trade relations, and the lack of cooperation in addressing these problems by the Nigerian Government. For instance, last week the Northeast Indiana Better Business Bureau reported more than 120 of their firms have been subject to Nigerian scams.

We need to send a strong and clear message to the military dictatorship in Nigeria that: first, we support the Nigerian people in their quest for democracy and civilian rule.

Second, that we endorse the steps taken by President Clinton to restrict assistance to the various agencies of the Nigerian Government and especially the suspension of military cooperation between the United States and Nigeria. I congratulate President Clinton for enforcing the ban on travel to the United States by officials of the Nigerian military regime, including the recently held World Soccer Cup.

The bill further encourages the Clinton administration to explore additional measures that might be taken through the IMF and World Bank that will further encourage the restoration of democracy in Nigeria.

At the same time the bill encourages increased efforts by AID, USA, and the National Endowment for Democracy to support activities aimed at strengthening democratic forces in Nigeria.

The bill condemns the arrests by Nigerian military authorities of Chief Abiola and other political leaders and

democracy advocates, and urges their immediate release.

Finally, the bill calls upon General Abacha and the Provisional Ruling Council to resolve the current political crisis by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military.

Since Nigeria received their independence in 1960, they have been under military rule for 24 out of 34 years. As the largest and potentially most prosperous nation in Africa, a major oil producer, a country that the United States depends upon for regional conflict resolution such as providing peace keeping troops in Liberia, we can hardly allow Nigeria to retreat from the trend toward democracy being embraced by South Africa and other African countries.

Mr. Speaker, this bill is the result of a very fruitful process of discussion and compromise with our colleagues on the other side.

What we have is a truly bipartisan effort that will both encourage the democratic forces in Nigeria and put the Nigerian military dictatorship on notice that the United States rejects their cynical efforts to manipulate international public opinion.

I look forward to the day when Nigeria can take its rightful place as a leader among progressive and democratic countries in Africa. With our action today, we can hasten the arrival of that day.

I urge all of my colleagues to join me in voting in favor of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Nigeria is a very important African country, rich in human and natural resources. But it will continue to squander those resources in an outrageous fashion as long as the present military junta fails to respect the democratic expressions of the Nigerian people.

The United States must make it clear to the military regime in Nigeria that this Nation cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the chairman of the Africa subcommittee, Mr. JOHNSTON, and the ranking Republican member, Mr. BURTON, and especially the distinguished principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus.

Mr. Speaker, I support their effort and urge adoption of House Concurrent Resolution 151.

Mr. GILMAN. Mr. Speaker, I strongly support the adoption of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Next to South Africa, Nigeria is the African country best situated to contribute to the successful stabilization of the African Continent. Unfortunately, the failure of the present military junta to respect the democratic expressions of the Nigerian people threatens to retard any hopes of progress.

This country cannot ignore the current political and economic crisis in Nigeria. The Nigerian people have been promised true democratic reform for too many years now, but have been continually frustrated. The recent strikes by the oil workers is only the latest expression of that frustration. We must make it clear to the military regime in Nigeria that the United States cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the distinguished chairman of the Africa Subcommittee, Mr. JOHNSTON, and the able ranking Republican member, Mr. BURTON, and the principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus. I support their effort and urge adoption of House Concurrent Resolution 151.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the four resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 151, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUBURN INDIAN RESTORATION ACT

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill. (H.R. 4228) to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California, as amended.

The Clerk read as follows:

H.R. 4228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auburn Indian Restoration Act".

SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) **FEDERAL RECOGNITION.**—Notwithstanding any other provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) **RESTORATION OF RIGHTS AND PRIVILEGES.**—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85-671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this Act.

(c) **FEDERAL SERVICES AND BENEFITS.**—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(d) **HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.**—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) **INDIAN REORGANIZATION ACT APPLICABILITY.**—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) **CERTAIN RIGHTS NOT ALTERED.**—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 3. ECONOMIC DEVELOPMENT.

(a) **PLAN FOR ECONOMIC DEVELOPMENT.**—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 7, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) **RESTRICTIONS.**—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 4.

SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) **LANDS TO BE TAKEN IN TRUST.**—The Secretary shall accept any real property located in Placer County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) **FORMER TRUST LANDS OF THE AUBURN RANCHERIA.**—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include fee land held by the White Oak Ridge Association, Indian owned fee land held communally pursuant

to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

(c) **LANDS TO BE PART OF THE RESERVATION.**—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

SEC. 5. MEMBERSHIP ROLLS.

(a) **COMPILATION OF TRIBAL MEMBERSHIP ROLL.**—Within 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) **CRITERIA FOR ENROLLMENTS.**—(1) Until a tribal constitution is adopted pursuant to section 7, an individual shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, possesses at least one-eighth or more of Indian blood quantum, and if—

(A) the individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671;

(B) the individual was not listed on, but met the requirements that had to be met to be listed on, the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85-671; or

(C) the individual is a lineal descendant of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 7, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll shall be of United Auburn Indian Community ancestry and shall not be an enrolled member of another federally recognized Indian tribe.

(c) **CONCLUSIVE PROOF OF UNITED AUBURN INDIAN COMMUNITY ANCESTRY.**—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

SEC. 6. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 7, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim Council shall meet the enrollment criteria set forth in section 5(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

SEC. 7. TRIBAL CONSTITUTION.

(a) **ELECTION; TIME AND PROCEDURE.**—Upon the completion of the tribal membership roll under section 5(a) and upon the written request

of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) **ELECTION OF TRIBAL OFFICIALS; PROCEDURES.**—Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 6.

(4) The term "member" means those persons meeting the enrollment criteria under section 5(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 4.

(7) The term "service area" means the counties of Placer, Nevada, Yuba, Sutter, El Dorado, and Sacramento, in the State of California.

SEC. 9. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4228.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4228 is a bill sponsored by Chairman GEORGE MILLER to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California. This was a tribe which was terminated in 1958. The termination policy has been expressly repudiated by Congress. Most terminated tribes have been restored. The bill is similar to other restorations of terminated tribes Congress has passed over the last several years. It provides for the establishment of a membership roll, a constitution, and the election of officials. It provides that the United Auburn Indian Community is to have all rights and privileges of a federally recognized tribe.

The bill is supported by the administration and has bipartisan support.

I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of H.R. 4228, a bill to restore Federal recognition to the Nisenan Southern Maidu people of the Auburn Rancheria.

At the outset, let me point out that although this bill is titled an act "to extend Federal recognition" to the United Auburn Indian Community, that is not entirely correct. This bill is actually restoration legislation. There is a significant legal difference between the two, and one that is key to my support. Recognition is extension of a government-to-government relationship between the United States and an Indian tribe for the first time. Restoration, however, means the reextension of that relationship to a group which once enjoyed it but for some reason had that status terminated. While I strongly oppose recognition legislation, I continue to support restoration legislation such as this.

Mr. Speaker, while the history of United States-Indian relations is a sorry one, the fate of the tribes in California is—if possible—more so. The flood of non-Indians into California as a result of the gold rush had devastating effects on the tribes. Thousands were hunted down and killed so that their lands could be taken from them. Thousands more died as a result of forced relocations and disease.

In 1851, the United States entered into a series of 18 treaties—the Barbour Treaties—with several California tribes providing for the relinquishment of all aboriginal land claims in California in exchange for 8.5 million acres of territory and other goods and supplies. But because of pressure from the California congressional delegation the treaties were never ratified—in fact, they were purposefully hidden for decades. No one informed the tribes of the failure of ratification; white settlers proceeded to occupy their lands anyway, and they never received their due.

Over the years a great many tribes ceased to exist, others were broken up and settled on less than desirable lands that no one else wanted. The Indians went from self-sufficiency to almost total poverty and dependence on the State for support.

After World War II, the Federal Government began to look at ridding itself of the Indian problem. In 1948, the BIA declared its intention to terminate or derecognize the tribes by ceasing all services to Indians and dividing their tribal assets—land and resources—among individual tribal members. This so-called new policy was little more

than a warmed-over version of the allotment period of the late 1800's, which had been a dismal failure. Its implementation, like that of the Allotment Act, would detribalize native groups and put their property on tax rolls while repudiating the Federal Government's moral and legal commitments and responsibilities to aid the people whose poverty and powerlessness it had created.

California tribes were to be the first targets of termination. The Commissioner of Indian Affairs who inaugurated this policy, Dillon Meyer, was principally known as one of those responsible for administering the Japanese-American internment camps during World War II. In 1952, the BIA began to push energetically for termination. The Indian Service introduced to Congress several termination bills aimed specifically at California, and in anticipation of passage ended all Indian Service welfare payments to pauper Indians in the State. In addition, the Indian Service began an accounting and inventory of all Government property, while the BIA sold 129 allotments and closed the accounts of hundreds of Indians having money in trust accounts.

A further step in completely eradicating the tribes was taken in 1953, when Congress passed Public Law 280, which brought California Indian reservations under the criminal and civil jurisdiction of the State. That same year, Congress declared termination to be the official policy of the Federal Government, whether the Indians wanted it or not. House Congressional Resolution 108 expressed the aim of Congress as being,

As rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, [and] to end their status as wards to the United States.

In California, Indians were coerced by the Government into selling their lands. The State illegally withheld pension and welfare payments, with a promise to restore payments to those individuals who caved in. In 1958, Congress accelerated its policies by passing the Rancheria Act—(27 Stat. 619 as amended) effectively extinguishing a great number of tribes in California.

The Auburn Indians were one of those terminated. Actually Nisenan Southern Maidus, part of the Penutian linguistic family, have occupied the drainages of the Yuba, Bear, and American Rivers for hundreds of years. At the beginning of the 19th century, there were over 100 Nisenan villages in this area. The people were hunter-gatherers, and the principal staples of their diet were acorns, roots, and deer or similar game.

The Nisenan were not at first affected by the influx of white settlers,

but the discovery of gold on Nisenan lands in 1848 changed that. Their lands were overrun in a period of 2 or 3 years. Thousands of miners moved into Nisenan territory; widespread killing, destruction of villages, and persecution of the tribal members—who the miners pejoratively called diggers—followed.

Their numbers dwindled, and they were quickly destroyed as a viable culture. Those that remained lived at the margins of foothill towns, and found work in logging, ranching, and agriculture. In the 1870's there was a brief resurgence of native culture and modified ceremonialism under the influence of the Ghost Dance revival, but this faded by the 1890's. By the early 1930's there was not a tribal member alive who could remember times before white contact. By the time they were terminated in 1958, many had disappeared into the dominant culture. Those that remained lived in abject poverty.

Mr. Speaker, we have rightly repudiated the termination policy and restored Federal recognition to many of the tribes. It is high time that we added the United Auburn Indian Community to the list. I urge my colleagues to support H.R. 4228.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WATT). The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 4228, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN DAMS SAFETY ACT OF 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1426) to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes, as amended.

The Clerk read as follows:

H.R. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Dams Safety Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

- (1) the Secretary of the Interior has identified 53 dams on Indian lands that present a threat to human life in the event of a failure;
- (2) because of inadequate attention in the past to problems stemming from structural

deficiencies and regular maintenance requirements for dams operated by the Bureau of Indian Affairs, unsafe Bureau dams continue to pose an imminent threat to people and property;

(3) many Bureau dams have maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property;

(4) safe working dams on Indian lands are necessary to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats; and

(5) it is necessary to institute a regular dam maintenance and repair program, utilizing the expertise in the Bureau, Indian tribes, and other Federal agencies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs.

(2) The term "dam" has the same meaning given such term by the first section of Public Law 92-367 (33 U.S.C. 467).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

SEC. 4. DAM SAFETY MAINTENANCE AND REPAIR PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary shall establish a dam safety maintenance and repair program within the Bureau to ensure maintenance and monitoring of the condition of each dam identified pursuant to subsection (e) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) **TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.**—All functions performed before the date of the enactment of this Act pursuant to the Dam Safety Program established by the Secretary of the Interior by order dated February 28, 1980, and all Bureau of Indian Affairs personnel assigned to such program as of the date of enactment of this Act are hereby transferred to the Dam Safety Maintenance and Repair Program. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Dam Safety Program is deemed to be a reference to the Dam Safety Maintenance and Repair Program.

(c) **REHABILITATION.**—Under the Dam Safety Maintenance and Repair Program, the Secretary shall perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (e) to a satisfactory condition. In addition, each dam located on Indian lands shall be regularly maintained pursuant to the Dam Safety Maintenance and Repair Program established pursuant to subsection (a).

(d) **MAINTENANCE ACTION PLAN.**—The Secretary shall develop a maintenance action plan, which shall include a prioritization of actions to be taken, for those dams with a risk hazard rating of high or significant as identified pursuant to subsection (e).

(e) **IDENTIFICATION OF DAMS.**—

(1) **DEVELOPMENT OF LIST.**—The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the

dam safety condition classification of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

(2) **DAM SAFETY CONDITION CLASSIFICATIONS.**—The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

(A) **SATISFACTORY.**—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) **FAIR.**—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) **CONDITIONALLY POOR.**—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) **POOR.**—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) **UNSATISFACTORY.**—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

(3) **RISK HAZARD CLASSIFICATION.**—The risk hazard classification referred to in paragraph (1) is one of the following classifications:

(A) **HIGH.**—Six or more lives would be at risk or extensive property damage could occur if the dam failed.

(B) **SIGNIFICANT.**—Between one and six lives would be at risk or significant property damage could occur if the dam failed.

(C) **LOW.**—No lives would be at risk and limited property damage would occur if the dam failed.

(f) **LIMITATION ON PROGRAM AUTHORIZATION.**—Work authorized by this Act shall be for the purpose of dam safety maintenance and structural repair. The Secretary may authorize, upon request of an Indian tribe, up to 20 percent of the cost of repairs to be used to provide additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs. This Act is not intended to preclude development of increased storage or benefits under any other authority or to preclude measures to protect fish and wildlife.

(g) **TECHNICAL ASSISTANCE.**—To carry out the purposes of this Act, the Secretary may obtain technical assistance on a non-reimbursable basis from other departments and agencies. Notwithstanding any such technical assistance, the Dam Safety Maintenance and Repair Program established under subsection (a) shall be under the direction and control of the Bureau.

(h) **CONTRACT AUTHORITY.**—In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes (under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended, to carry out the Dam Safety Maintenance and Repair Program established under this Act.

(i) **ANNUAL REPORT.**—The Secretary shall submit an annual report on the implementation of this Act. The report shall include—

(1) the list of dams and their status on the maintenance action plan developed under this section; and

(2) the projected total cost and a schedule of the projected annual cost of rehabilitation or repair for each dam under this section.

The report shall be submitted at the time the budget is required to be submitted under section 1105 of title 31, United States Code, to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act. Funds provided under this Act are to be considered nonreimbursable.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1426 establishes a dam safety maintenance and repair program within the Bureau of Indian Affairs at the Department of the Interior. It authorizes the Secretary to perform such rehabilitation work as is necessary to bring dams located on Indian lands up to satisfactory condition. The bill requires the Secretary of the Interior to develop a maintenance action plan for those dams with a high or significant risk hazard rating.

Finally, it requires the Secretary to submit to the Congress an annual report which includes a list of the dams located on Indian lands, a status report for each dam, the projected total cost of repairs for each dam, and a schedule of projected annual costs.

Mr. Speaker, of the 69 dams administered by the BIA, 53 are high hazards and 11 present significant hazards. The GAO reports that 38 Indian dams have a safety rating of poor or conditionally poor. Although, we have seen some progress made to improve the safety conditions of these dams, it is vitally important that the Secretary take the steps necessary to implement an ongoing safety maintenance and repair program for dams located on Indian lands.

Mr. Speaker, H.R. 1426 provides the necessary framework to ensure that dams located on Indian lands do not threaten the lives and property of the people living in their shadow. This legislation reflects the views of Indian country and enjoys bipartisan support. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Dakota has more than adequately set forth the provisions of this legislation, so I will be brief.

H.R. 1426 deals with an important issue in Indian country: Dam safety. Safe, working dams on Indian lands are necessary to supply irrigation, flood control, municipal and tribal water supplies, and fish and wildlife habitat. Some 54 dams administered by the BIA have structural problems which are classified as presenting high or significant hazards to human life and property in the event of failure.

Two of these dams are on the Wind River Reservation in my State of Wyoming: Ray Lake Dam and Washakie Dam. Problems at Ray Lake include cracks in the eastern structure, extensive erosion due to waive action, inadequate spillway capacity, and deteriorating concrete structures and supports.

While the problems at Ray Lake are serious, those at Washakie Dam are critical. They include seepage and high foundation pore pressures underneath the main embankment, the inability of the dam to safely accommodate floods greater than 47 percent of the probable maximum flood, the possibility of a failure in dike No. 2, and others. The gentleman from New Mexico and I saw the physical manifestations of these structural defects when we visited the dam last year. We also saw the probable outcome in case of failure. Maps on the wall of the joint business council chamber highlighted in yellow the path of destruction a wall of water speeding down the valley would cause, sweeping countless homes and businesses before it.

As we have learned, these types of problems are not unique to this reservation. I hope that by passing H.R. 1426 and investing in a solution now, we will avert a tragedy later. I urge my colleagues to support passage of this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], chairman of the Subcommittee on Native American Affairs.

Mr. RICHARDSON. Mr. Speaker, I thank my colleague from South Dakota for dealing with these bills.

I just came in from National Airport. I want to say that Indian issues are in good hands with the gentleman from South Dakota. I think there is no individual in our subcommittee that has worked more on native American issues.

What we have done with this Indian dams bill, as the gentleman from Wyoming, the very able minority member

knows, is that we have problems with the safety of Indian dams. What we have done in this bill is transfer the authority to the Bureau of Indian Affairs where it should be. This is a trust responsibility.

There is also a trust responsibility to provide dam safety and proper operation and maintenance to dams on reservations. We visited some in the district of the gentleman from Wyoming. This legislation respects the sovereignty of tribes and delineates what is vital here and what the subcommittee's main thrust is, and that is to protect the native Americans and the Bureau of Indian Affairs and the Secretary of the Interior's trust responsibility.

So I am here to thank the gentleman from South Dakota, the very able non-partisan member from Wyoming, a good friend who has done outstanding work on this subcommittee.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 1426, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m.

Accordingly (at 1 o'clock and 18 minutes p.m.) the House stood in recess until 4:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. McDERMOTT) at 4 o'clock and 45 minutes p.m.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess until 5:45 p.m.

Accordingly (at 4 o'clock and 46 minutes p.m.) the House stood in recess until 5:45 p.m.

□ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 5 o'clock and 45 minutes p.m.

ANNOUNCEMENT OF APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. The Chair, without objection, announces the appointment of the following additional conferees on the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes:

As additional conferees from the Committee on Energy and Commerce for consideration of sections 410 and 413 of the House bill, and sections 606-07, 701 of the Senate amendment; and for the following provisions of titles II and IV of the House bill and titles II and IV of the Senate amendment and modifications committed to conference to the extent to which they relate to the replication of proven technologies: that portion of section 202 of the House bill which adds section 301(d) to the Stevenson-Wydler Technology Innovation Act of 1980; section 203 of the House bill; section 401 of the House bill; those provisions of section 211 of the Senate amendment which amend the Stevenson-Wydler Act Technology Innovation Act of 1980 by adding subsection 102(b) and section 103; those provisions of section 212 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding new subsections 24(e)(2)(J), 24(f)(3), 24(f)(7), and 24(g)(1); those portions of section 214 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding a new subsection 25(a)(7) and 25(b)(3); section 216 of the Senate amendment; and section 401 of the Senate amendment: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. MOORHEAD.

As an additional conferee for consideration of those portions of section 206 of the House bill which add sections 4(20), (21) and (22) to the Stevenson-Wydler Technology Innovation Act of 1980, and modifications committed to conference: Mr. MANTON.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs

of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves to strike out all after the enacting clause of S. 2182 and to insert in lieu thereof the text of H.R. 4301 as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. SPENCE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2182 be instructed to insist upon the provisions contained in section 1044 of the House amendment to the text.

□ 1750

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. DELLUMS. Mr. Speaker, will the distinguished gentleman yield?

Mr. SPENCE. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding. We have taken a look at the motion to instruct conferees referred to as

the Kasich amendment. As my colleague is aware, this amendment began in the Subcommittee on Armed Services, moved to the full committee, was not perceived as controversial, and I think it is important. We have no objection to the motion to instruct conferees.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I appreciate the concurrence of the gentleman from California.

Mr. Speaker, this motion instructs House conferees to stick with the House position on the so-called Kasich amendment to the defense authorization bill dealing with the military readiness implications of deployment of United States peacekeeping forces in Bosnia.

The Clinton administration has made repeated commitments to deploy up to 25,000 American troops as part of a U.N. peacekeeping operation in Bosnia should the warring factions ever sign a peace accord.

At the same time the administration has proposed to cut the defense budget by \$156 billion over a 6-year period, it has made similar commitments to deploy forces to Haiti and Rwanda and is waiting for the other shoe to drop in Korea.

With all this in mind, the Kasich amendment is a modest attempt to force the administration to focus on the very real military readiness implications associated with deploying over a division of our front line forces to peacekeeping duties in Bosnia.

The issues involved with this amendment are simple. At the same time we are drastically and rapidly cutting the size of our military, we are asking it to do more and more.

Yes, the cold war is over. But our forces have never been busier. Today our forces are operating in Iraq, the former Yugoslavia, Rwanda, off the coast of Haiti and Somalia as well as holding down the usual other routine commitments we have throughout the world. Simply put, we are burning our forces up and squandering the military readiness levels that shone through in our magnificent military victory in the Persian Gulf.

In its recently released report, the DOD task force on readiness acknowledged that the U.S. forces are "running too hard" and are suffering from too many simultaneous operations that are burning up supplies and the morale of the troops.

General Shy Meyer, chairman of the task force, has admitted that with the continuing operations in Somalia, Bosnia, Haiti, Iraq, and other hot spots, troops are getting too little rest between deployments, and they have expressed a desire to leave military service.

The most recent example of this was the incredible decision to redeploy the

Marine Corps Amphibious Ready Group that steamed off Somalia for 6 months to Haiti after only 12 days of shore time in the United States, just 12 days. We cannot treat people that way without sooner or later paying a price. We have seen this before in the 1970's, and we seem to be making the same mistakes over again.

Another recent example comes from the report on the tragic accidental friendly fire shoot-down of our United States helicopters in Iraq. The subsequent investigation revealed that the AWACS crew on station for that day was operating in excess of the 120-day-per-year operating limit that the Air Force considers prudent for AWACS crews. Again, we are pushing our forces too hard and too long for reasons largely unrelated to our U.S. national security.

Mr. Speaker, I could go on and on for some time listing more and more examples where the indications are clear that we are about to enter into a deep slide in readiness levels. It is against this backdrop that the administration continues to contemplate deploying 25,000 of our troops to Bosnia to police a conflict we have no business policing in the first place.

As the Pentagon well knows, a decision to deploy 25,000 troops is only the tip of the iceberg. This level of forces ties up a rotation base of another 50,000 troops that are either preparing to deploy or returning from deployment at any given 6-month cycle. So the effects of such a decision are far from trivial and will impact overall military readiness and our ability to fulfill our national security strategy of being prepared to fight two regional conflicts.

The Kasich amendment highlights these very important questions and will hopefully force a rational and informed debate on the serious implications of such a decision.

Therefore, Mr. Speaker, I offer this motion to instruct to ensure that this important provision is retained by the defense authorization conference, and that the many questions surrounding the administration's plan for Bosnia get the proper level of attention and visibility.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to strongly urge my colleagues to vote in favor of this motion to instruct, directing the House conferees to insist upon the retention of section 1044 of the Defense authorization bill, H.R. 4301. This provision, authored by the gentleman from Ohio [Mr. KASICH], requires a report on the impact upon the overall readiness of United States Armed Forces of the deployment of thousands of United States ground forces to implement a peace plan in Bosnia.

It is estimated that we would have to send approximately 25,000 troops into

Bosnia for an indefinite period of time, if the administration decides to have the United States military participate in the implementation of a peace plan along the lines of that agreed to by the so-called contact group of diplomats in Geneva.

The administration previously stated its intention in such a case to seek congressional authorization for the deployment. If called upon to grant such an authorization, I firmly believe the Members of this body would greatly benefit from the information contained in the report called for in section 1044. Indeed, such information would be essential for the Congress to make an informed judgment on such a deployment.

We need to bear in mind that as our armed forces are experiencing significant reductions in manpower and funding, the potential demands placed upon them by possible United Nations-led operations in places like Haiti, Rwanda, and other places may be significant.

Along with a majority of the Members of this body, I voted last month to direct the President to lift the illegal and immoral arms embargo against the Government and people of Bosnia. We believed then, and still remain convinced today, that providing the Bosnians with the means to defend themselves was preferable to having our military help implement a partition of the territory of Bosnia along ethnic lines. This administration wishes to deploy our military to participate in U.N. peacekeeping. Therefore we must exercise our responsibility to the American people to ensure that participation in operations like Bosnia, where threat to vital United States national security interests is marginal at best, does not erode our capability to respond to true threats to our interests.

In Bosnia, we may well face the greatest drain on our assets and manpower ever in a United Nations peacekeeping operation. Failure by the conference committee to agree to this provision would significantly degrade the ability of the Congress to make an informed judgement on the possible deployment of our armed forces in Bosnia. Accordingly, I urge my colleagues to join in supporting this motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

□ 1800

Mr. TALENT. I thank the distinguished gentleman for yielding me this time. I doubt that I will use the 5 minutes.

But I wanted to make a couple of points where I think this amendment is important and why we ought to keep it in the conference report.

It is a modest step, but a step in the right direction. I will mention a couple

of trends I am deeply concerned about that I think the study this amendment directs may cast some light on.

The first is the effects on readiness and on the quality of the force of the fight which we are losing unfortunately to keep military pay up with inflation. It has been falling behind. I think the trend is similar to what happened in the late 1970's. If we continue throughout the rest of this decade as in the manner projected under the President's budget, then the men and women of America's military will be earning 10 to 12 percent less because of inflation by the end of this decade than they earned at the beginning of it.

At the same time, I think this study will bring this to light, they are being called upon to do more and more, and they are being deployed abroad sometimes for lengths of times longer than they have been used to in the past on behalf of these various peacekeeping missions. An example is what happened to the 24th Marine Expeditionary Unit recently which came back out from 6 months' deployment abroad in Somalia and Bosnia, and after only 5 days of leave had to go immediately back onto ship and is currently now near Haiti waiting for orders there.

You cannot continue to pay people less and less, have them lose money vis-a-vis inflation, and ask them to do more and more and expect that the force is going to maintain its quality. In fact, the trends, while certainly not disastrous at this point, are not in the right direction.

The number of recruits who do not have a high school diploma is going up, the number of recruits in the lowest level of trainability is going up, and again while those factors are still at a stage where we can control them, the trends are moving in the wrong direction.

The other point where I have major concern, and I think the study may throw some light, has to do with the Bottom-Up Review end-strength projections for the Army. As everybody here knows, the Bottom-Up Review projects 10 active divisions in the U.S. Army. When we had testimony in the Military Forces Subcommittee on the House Committee on Armed Services on the Bottom-up Review, indication was, well, we can make do with 10 active divisions and still meet the 2 MRC requirements on the assumption that we can move forces quickly out of peacekeeping into major regional contingencies if need be, into Korea or into the gulf. And yet other witnesses who testified, retired four-stars and retired general officers, indicated that is very, very difficult to do.

First, you have to find allies who will take over the peacekeeping mission. Then you have to pull the people out of peacekeeping and you have to retrain them, because the training for peacekeeping is very different than the

training required for combat. In other words, it is a very, very difficult thing to do.

Their testimony was that, in fact, you should consider these peacekeeping troops unavailable for the purpose of determining whether the end strength in the Bottom-Up Review is adequate to meet the requirements that we be able to fight two MRC's at the same time.

A lot of concerns have been raised in the last year and a half, in my time on the Committee on Armed Services, and I think we are going to have to address them, if not this year, then certainly in next year's budget.

This study will help us in doing so, and I think it is a good amendment. I hope the conferees will fight hard to keep it. I support the motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH], the author of this amendment.

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding.

You know, the purpose of this amendment was essentially to say that we want to avoid some of the very difficult problems we encountered when we went to Somalia. We think it makes sense to ask the Secretary of Defense to define a number of problem areas including, of course, the readiness of forces both there and here, what we are expected to do, when we are expected to go, when we are expected to get out, a whole variety of things that are absolutely critical in terms of guaranteeing any kind of a mission that would involve U.S. forces.

I just think it is a very good probability that the United States could find itself literally being asked to go over and perform this peacekeeping mission, and there are so many questions involved in terms of an operation like that. The last thing, I know, this Congress wants to do is to move into that situation with any fuzziness or any uncertainty that would surround that issue, regardless of how we would feel about whether this mission is right or wrong; we certainly want to know exactly what all the cards are on the table so that we can make these kinds of decisions with full knowledge of the implications.

And so I just want to compliment the gentleman from South Carolina [Mr. SPENCE] and the chairman, the very fit chairman, from the State of California [Mr. DELLUMS], and would say that I think this is appropriate, because it does emphasize something that I believe we are going to have to deal with in a relatively short period of time.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the ranking member and the chairman for this discussion, and I

want to thank the gentleman from Ohio [Mr. KASICH] for bringing the issue up.

The issue clearly is the readiness of our military forces, and I think the danger that we are returning to the hollow military forces of the late 1970's. You know, as we look at the reports that have been emanating from DOD ever since the so-called McCain report, and that was the danger of going hollow report that Admiral Kelso spearheaded 6 or 7 months ago, we have seen a drop in ammunition reserve levels. We have seen a drop in training time. We have seen a drop in repair levels of our military equipment, and we have seen also a drop in a very important category, and that is the number of aircraft and other military equipment with respect to being fully mission capable.

If you remember back to the days of the 1970's, we had about 50 percent of our military aircraft that were fully mission capable. The rest of the aircraft were being taken apart for spare parts so that the few aircraft that we thought we could keep running had adequate spares to stay in the air.

So after rebuilding defense in the 1980's, bringing down the Berlin Wall with that strong America and emerging once again the only superpower in the world, we are seeing our military readiness being reduced, and I have to go back to a point that the ranking member, the gentleman from South Carolina [Mr. SPENCE], brought out that I think is very important.

The DOD task force on readiness has acknowledged recently that U.S. forces are running too hard. What does running too hard mean? It means you cannot take President Clinton's cuts in defense of \$127 billion and continue to go to all of these trouble spots in Africa and Haiti and Bosnia and Korea and around the world and stretch these forces without the equipment or the reserves; that is, the personnel to free these people up so they can spend a little time at home after they come off a 6-month deployment. We are not doing that. We are stretching our people too thin.

What does that mean? That means we may go back to the hollow forces of the 1970's when we had 1,000 petty officers a month getting out of the military. Those are the people who knew how to make the Navy go, who knew how to repair the ships and keep them steaming and repair the aircraft.

I want to thank the gentleman from Ohio [Mr. KASICH] for ringing this alarm bell with this motion to instruct, and I want to thank the ranking member and all the members of the Committee on Armed Services, Republican and Democrat, who are concerned about the Clinton administration cutting too deep and stretching our forces too thin.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this motion to instruct conferees on the military readiness implications of the Bosnia peacekeeping deployments.

President Clinton has repeatedly reiterated the U.S. commitment to provide half of the expected 50,000 peacekeepers required to implement a peace settlement in the Balkans.

But 25,000 U.S. troops is not the whole story. Given these troops would be on the ground for a long haul, a year or more, a possible 6-month rotation of these forces would probably be implemented, but I do not know; with one unit on the ground, one unit preparing to deploy, and one unit having just returned, we quickly find this commitment to Bosnia ties up 75,000 of our quickly dwindling combat-ready force.

With one division on the ground in Korea and one in Europe, 75,000 troops tied up in the Bosnia rotation represents a significant portion of our fighting force, this at a time when the administration is facing a serious foreign policy challenge with nuclear implications in Korea as well as a commitment of unknown size and duration in Haiti.

Despite this rhetoric that we hear here in Washington, Washington, I think, is best known for a little secret right now in the military, and that is that the President's Bottom-Up Review force cannot meet the two major regional contingency requirements as set out in that Bottom-Up Review.

□ 1810

You certainly cannot do it with the 75,000 troops tied up in a rotation of peacekeeping in the former Yugoslavia, Bosnia. I say let us do what is reasonable and prudent, and that is Mr. KASICH's amendment on military readiness implications on the peacekeeping deployment to Bosnia, asking the Secretary of Defense to submit a report to the Congress to answer some really specific questions as extremely necessary.

Matters to be included in that report which are incredibly important are the total number of force in fact required, the estimate of the expected duration of such operation. It sure is nice to know if we are going to get into an operation when we are going to get out of that operation so we can set forward the necessary rotation.

The estimate of the cost. Now, that one makes a lot of sense in time of dwindling budgets; we sure would like to know what the cost is going to be and also the timeframe. The assessment of the effect of the operation on the ability of the U.S. Armed Forces to execute successfully two nearly simul-

taneous major regional conflicts is very important. Those of us on the Subcommittee on Military Forces Personnel have gone in great detail into that question and have discovered that even if we had a scenario of war in Korea and a regional conflict in the Middle East we may not be able to successfully participate in peacekeeping operations in Bosnia.

Looking into the readiness of our forces because of that example is extremely reasonable and prudent.

Mr. Speaker, I also must rise on the question about the assessment of the number of type of combat support, combat service support necessary to meet the 25,000 requirement in Bosnia. Not only from the active force, but you have to remember we are operating under the total force concept.

That concept talks about the total integration of the National Guard, Reserve, and active forces. Most of the combat service support comes out of the National Guard and the Reserve. So when we find ourselves in a total commitment of 25,000 combat troops in Bosnia, we are also talking about activating some National Guard and Reserves. I think it is important for us to know that. What is the assessment coming out of the Secretary of Defense?

So I ask my colleagues to vote in favor of the Kasich amendment for that which is prudent and reasonable as we try to assess our national security values.

Mr. SPENCE. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think when we look at the United Nations control of the peacekeeping forces, we need to take a look at the armed services itself, the military cuts, the foreign policy and how that relates to the man or woman in uniform of the United States. I would like to go through several ways in which many Members, some members of the committee, are attacking defense, trying to destroy everything they can which relates to defense.

First of all is the \$177 billion cut in defense; \$50 billion from the 102d Congress and \$127 billion from this administration.

If you take a look at those individual cuts and take \$177 billion out of the deficit, then you can claim that you have got a lower deficit. But if you do not fund BRAC, the military through 1994 is funded in a bare-bone minimum.

1995 and out largely depends on the dollars saved from base closings. If we do not close those bases, which we are not, and we are not funding BRAC fully, then those savings are not evident. So you are eating the military; right on top we are going to have the Base Realignment and Closure Commission in 1995 topped onto that.

What is going to happen if you do not fund BRAC? For example, you see in San Diego the commanding officer just took \$30 million out of training money because BRAC did not have the money to give it to him. So what is he doing? He is taking out the training money's hide the dollars.

When you draw down F-14, F-15, F-16 and military equipment, including A-6's, then you push out the research and development new airplane, the joint airplane, beyond the year 2000. There is no way under a Republican President or a Democratic President beyond 1996 can you make up anywhere close to the lost inventory to meet the BRAC requirements.

BRAC was \$50 billion shortfall, which is where we are supposed to be able to fight two conflicts. This administration is not risking just the United States, it is risking other countries of the world, which is evident in Bosnia, North Korea, Somalia, Haiti, and, yes, even Rwanda.

California itself has lost over a million jobs.

Another way they are trying to cut the military budget is take out of the budget the limited budget that they do give them and put it into socialized spending.

The Committee on Education and Labor tried to take \$1 billion out of education for impact aid. Thanks to our chairman, we stopped that, but I believe he will have hearings on that.

But every committee is trying to take it out as well.

On the House floor it is still the thing to do, to cut defense.

When we take a look at a failed foreign policy with military cuts of \$177 billion, in Somalia, 22 killed Rangers and 77 wounded, and we look at U.S. under U.N. control, it cannot be bright for the future. If we want to take a look at Bosnia, 50 divisions of Germans could not control Bosnia. It is only right to ask what the cost would be for peacekeeping units to go in there and to control it, because in this Member's opinion you cannot control it.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I would like to bring us back to the reality of what brings us to this moment. This is a motion to instruct conferees on a particular provision of the bill, H.R. 4301. It is referred to as House sections 1044, report on readiness implications of Bosnia peacekeeping deployment.

Mr. Speaker, let me tell you very briefly what the provision does. The provision would require a report from the Secretary of Defense within 90 days of enactment or 30 days of a peacekeeping deployment to Bosnia on the readiness implications of such a deployment.

The report would include estimates of size, duration and cost of the deployment as well as the impact on combat readiness, need for reserve forces and capability to meet the requirements of regional contingencies in the Bottom-Up-Review.

Mr. Speaker, how this provision came to be was a provision that was initiated by my colleagues, members of the committee on the other side of the aisle, sponsored by my distinguished colleague from Ohio [Mr. KASICH]. It was accepted in advance into the readiness subcommittee mark; it appeared in the full committee mark of the bill, H.R. 4310, as it was reported out of the House Armed Services Committee, and continued to be part of the provisions as the bill passed the House of Representatives.

Mr. Speaker, in this gentleman's opinion, the Department of Defense would indeed have some difficulty in providing some of the information required in the provision. For example, until they know the exact nature of the peace accord, if and when there is one that takes place.

So the number of troops that would be deployed, as this gentleman sees it, would have to do with the nature of the specifics and the particulars surrounding that particular peacekeeping peace accord as it existed.

Second, the question of what our role would be, whether it would be peacekeeping, peacemaking, or peace enforcement, both of these considerations have force and equipment implications.

But that notwithstanding, Mr. Speaker, in this gentleman's opinion, the request for the motion to instruct conferees is appropriate and on this side we have no objections, and I would urge my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

□ 1820

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Messrs. HUTTO, SKELTON, and MCCURDY, Mrs. LLOYD, and Messrs. SISISKY, SPRATT, MCCLOSKEY, ORTIZ,

PICKETT, LANCASTER, EVANS, BILBRAY, TANNER, BROWDER, MEEHAN, SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON, KYL, DORNAN, HEFLEY, MACHTLEY, and SAXTON.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of Rule XLVIII:

Messrs. GLICKMAN, RICHARDSON, and COMBEST.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346-47, 643, 924, 1051, and 1082 of the Senate bill and sections 351-54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

Messrs. FORD of Michigan, CLAY, WILLIAMS, GOODLING, and GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157-58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

Messrs. DINGELL, SHARP, SWIFT, MOORHEAD, and BILIRAKIS.

Provided, Mr. WAXMAN is appointed in lieu of Mr. SWIFT and Mr. BLILEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of section 708 of the Senate bill.

Provided, Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of sections 324, 2821(e)(3), 2849, and 3157 of the Senate bill and section 1055 of the House amendment.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221-22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016-18, 1021(a), 1021(b), 1022-23, 1024(c), 1031-32, 1041, 1065, 1070, 1074, 1078-79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022-25, 1038, 1041, 1043, 1046-49, 1052, 1054, 1058-60, 1201-14, and 1401-04 of the House amendment, and modifications committed to conference:

Messrs. HAMILTON, GEJDENSON, LAN-TOS, GILMAN, and GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

Messrs. CONYERS, TOWNS, SYNAR, CLINGER, and MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1052-53, 1089, and 3505 of the Senate bill and modifications committed to conference:

Messrs. BROOKS, HUGHES, MAZZOLI, SENSENBRENNER, and MCCOLLUM.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501-05

of the Senate bill and sections 522-23, 527, 531, 601-02, 1137, and 3134 of the House amendment, and modifications committed to conference:

Messrs. STUDDS, HUGHES, TAUZIN, FIELDS of Texas, and COBLE.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference:

Messrs. MILLER of California, VENTO, ABERCROMBIE, YOUNG of Alaska, and DUNCAN.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331-334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference:

Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

Messrs. MINETA, APPLGATE, TRAFICANT, SHUSTER, and CLINGER.

Provided that Mr. DUNCAN is appointed in lieu of Mr. CLINGER solely for the consideration of section 2827 of the Senate bill.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232-33, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217-18, 223(a), 1112-15, and 3141 of the House amendment, and modifications committed to conference:

Messrs. BROWN of California, VALENTINE, SCOTT, WALKER, and ROHRBACHER.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

Messrs. MONTGOMERY, SLATTERY, APPLGATE, STUMP, and BILIRAKIS.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEKAS. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on Tuesday, July 26, 1994, I will offer the following motion to instruct House conferees on the bill H.R. 3355 to insist on the language of two of my amendments contained in

the House-passed version. The first guided the discretion of the jury in returning a death penalty finding and was adopted in a record vote by a clear majority of the House of Representatives. The second, easily adopted by the Judiciary Committee, dealt with the determination by the appeals court as to the existence of adequate aggravating factors to justify a jury's death penalty finding:

Mr. GEKAS of Pennsylvania moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3355, be instructed to insist upon the House passed language regarding "Return of a Finding Concerning a Sentence of Death" contained in section 3593(e) of title VII and "Review of a Sentence of Death" contained in Section 3595 of such title.

MOTION TO CLOSE PORTIONS OF CONFERENCE COMMITTEE MEETINGS ON S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, pursuant to clause 6(a) of rule XXVIII, I offer a motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELLUMS moves that conference committee meetings on the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The SPEAKER pro tempore. On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 363, nays 1, not voting 70, as follows:

[Roll No. 350]

YEAS—363

Abercrombie	Bartlett	Borski	Chapman	Hoke	Neal (MA)
Allard	Barton	Boucher	Clay	Holden	Neal (NC)
Andrews (ME)	Bateman	Brewster	Clayton	Horn	Nussle
Andrews (NJ)	Bellenson	Brooks	Clinger	Houghton	Oberstar
Andrews (TX)	Bentley	Browder	Clyburn	Hoyer	Obey
Archer	Bereuter	Brown (OH)	Coble	Huffington	Oliver
Armey	Berman	Bryant	Coleman	Hughes	Ortiz
Bacchus (FL)	Bevill	Bunning	Collins (GA)	Hunter	Oxley
Bacchus (AL)	Bilbray	Buyer	Collins (IL)	Hutchinson	Packard
Baessler	Bilirakis	Byrne	Collins (MD)	Hutto	Pallone
Baker (CA)	Bishop	Callahan	Combest	Hyde	Parker
Ballenger	Billiey	Calvert	Condit	Inslee	Pastor
Barca	Blute	Camp	Coppersmith	Istook	Paxon
Barcia	Boehlert	Canady	Costello	Jefferson	Payne (NJ)
Barlow	Boehner	Cantwell	Cox	Johnson (CT)	Payne (VA)
Barrett (NE)	Bonilla	Cardin	Coyne	Johnson (GA)	Pelosi
Barrett (WI)	Bonior	Castle	Cramer	Johnson (SD)	Penny
			Crane	Johnson, E. B.	Peterson (FL)
			Crapo	Johnson, Sam	Peterson (MN)
			Cunningham	Kanjorski	Petri
			Danner	Kaptur	Pickett
			Darden	Kasich	Pickle
			de la Garza	Kennedy	Pombo
			Deal	Kennelly	Pomeroy
			DeLauro	Kildee	Portman
			DeLay	Kim	Poshard
			Dellums	King	Price (NC)
			Derrick	Klein	Pryce (OH)
			Deutsch	Klink	Quillen
			Diaz-Balart	Klug	Quinn
			Dicks	Knollenberg	Rahall
			Dingell	Kolbe	Ravenel
			Dixon	Kopetski	Reed
			Dooley	Kreidler	Regula
			Doolittle	Kyl	Reynolds
			Dornan	LaFalce	Richardson
			Dreier	Lambert	Roberts
			Duncan	Lancaster	Roemer
			Dunn	Lantos	Rogers
			Durbin	LaRocco	Rohrabacher
			Edwards (CA)	Laughlin	Ros-Lehtinen
			Edwards (TX)	Lazio	Roth
			Ehlers	Leach	Roukema
			Emerson	Lehman	Rowland
			English	Levin	Roybal-Allard
			Eshoo	Levy	Royce
			Evans	Lewis (CA)	Rush
			Everett	Lewis (FL)	Sabo
			Ewing	Lewis (GA)	Sanders
			Farr	Lewis (KY)	Sangmeister
			Fawell	Lightfoot	Sarpallus
			Fazio	Linder	Sawyer
			Fields (LA)	Lipinski	Saxton
			Fields (TX)	Livingston	Schenk
			Filner	Lloyd	Schiff
			Fingerhut	Long	Schroeder
			Fish	Lucas	Shumer
			Flake	Maloney	Scott
			Foglietta	Manton	Sensenbrenner
			Fowler	Manzullo	Sharp
			Franks (CT)	Margolies-	Shaw
			Franks (NJ)	Mezvinisky	Shays
			Frost	Markey	Shuster
			Furse	Martinez	Sisisky
			Gejdenson	Matsui	Skaggs
			Gephardt	Mazzoli	Skeen
			Geren	McCloskey	Skelton
			Gibbons	McCollum	Smith (IA)
			Gilchrest	McCrery	Smith (MI)
			Gilman	McCurdy	Smith (NJ)
			Gonzalez	McDade	Smith (OR)
			Goodlatte	McDermott	Smith (TX)
			Goodling	McHale	Snowe
			Goss	McHugh	Solomon
			Grams	McInnis	Spence
			Grandy	McKeon	Spratt
			Green	McKinney	Stark
			Greenwood	McMillan	Stearns
			Gunderson	McNulty	Stenholm
			Gutierrez	Meek	Stokes
			Hall (OH)	Menendez	Strickland
			Hall (TX)	Meyers	Stump
			Hamburg	Mfume	Stupak
			Hamilton	Michel	Swift
			Hancock	Miller (CA)	Synar
			Harman	Mineta	Talent
			Hastert	Mink	Tanner
			Hayes	Moakley	Tauzin
			Hefley	Molinari	Taylor (MS)
			Hefner	Mollohan	Tejeda
			Herger	Montgomery	Thomas (CA)
			Hilliard	Moorhead	Thomas (WY)
			Hinchey	Moran	Thompson
			Hobson	Morella	Thornton
			Hoeckbrueckner	Murphy	Thurman
			Hoekstra	Myers	Torkildsen

Torres	Vucanovich	Wyden
Towns	Walker	Wynn
Trafficant	Walsh	Yates
Unsoeld	Waters	Young (AK)
Upton	Watt	Young (FL)
Valentine	Waxman	Zelliff
Vento	Williams	Zimmer
Visclosky	Wolf	
Volkmer	Woolsey	

NAYS—1

DeFazio

NOT VOTING—70

Ackerman	Hansen	Ridge
Applegate	Hastings	Rose
Baker (LA)	Hoagland	Rostenkowski
Becerra	Inglis	Santorum
Blackwell	Inhofe	Schaefer
Brown (CA)	Jacobs	Serrano
Brown (FL)	Johnston	Shepherd
Burton	Kingston	Slattery
Carr	Klezka	Slaughter
Clement	Lowey	Studds
Conyers	Machtley	Sundquist
Cooper	Mann	Swett
Dickey	McCandless	Taylor (NC)
Engel	Meehan	Torricelli
Ford (MI)	Mica	Tucker
Ford (TN)	Miller (FL)	Velázquez
Frank (MA)	Minge	Washington
Gallegly	Murtha	Weldon
Gallo	Nadler	Wheat
Gekas	Orton	Whitten
Gillmor	Owens	Wilson
Gingrich	Porter	Wise
Glickman	Ramstad	
Gordon	Rangel	

□ 1851

Mr. DIXON changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, I was unavoidably detained by airline flight delays and, therefore, was not able to be present for the vote on the motion to close portions of the conference on S. 2182, the fiscal year 1995 Defense Authorization bill.

Had I been present for this vote—rollcall No. 350—I would have voted "yea."

PERSONAL EXPLANATION

Ms. SHEPHERD. Madam Speaker, I was unavoidably detained in Utah, and, therefore, I missed one vote on a motion to close the defense authorization conference. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HOAGLAND. Mr. Speaker, I would like to submit for the record that I missed one recorded vote due to an unexpected weather delay during air travel from Omaha, NE to Washington, DC.

Had I been present I would have voted in support of the motion to close portions of the conference on S. 2182, the Defense Authorization Act and the Military Construction Act for Fiscal Year 1995.

POSTPONING FURTHER PROCEEDINGS ON VOTE ON HOUSE RESOLUTION 476, CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF U.S. TROOPS FROM BERLIN AND REAFFIRMING U.S.-BERLIN FRIENDSHIP

The SPEAKER pro tempore (Mrs. THURMAN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings on House Resolution 476 on which the yeas and nays were ordered until tomorrow, Tuesday, July 26, 1994.

CRIME PREVENTION MONTH

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 363) to designate October 1994 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Madam Speaker, reserving the right to object, and I do not object, I should simply like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I rise in strong support of House Joint Resolution 363, designating October 1994 as "Crime Prevention Month."

I am pleased that the House of Representatives is discussing this important resolution. By incorporating organized community action with the efforts of local law enforcement officials, I believe that we will encourage and prevent crime within our local communities. Through continued community programs and neighborhood watches, local leaders, both young and old, can work together with law enforcement to make a difference in crime prevention.

By designating October 1994 as "Crime Prevention Month," we are demonstrating our true conviction and determination toward fighting violent crime. Symbolic gestures, such as Crime Prevention Month, serve a valuable purpose in promoting an awareness that will assist in the implementation of additional crime control initiatives. Furthermore, this measure will honor the brave efforts of individual citizens and law enforcement officers who have done so much to fight the violent crime that plagues our communities.

Madam Speaker, accordingly, I urge my colleagues to join in supporting this important resolution, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 363

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;

Whereas crime prevention is central to a sound criminal justice system at National, State, and local levels;

Whereas millions of citizens have demonstrated that by working together, they can reduce crime, drug abuse, and fear of crime;

Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods prevent crime and build safer more caring communities;

Whereas all kinds of community organizations (including individuals, law enforcement, other State and local agencies, civic and community groups, religious institutions, schools, and businesses) have vital roles to play in reducing crime and building safer, more vibrant communities;

Whereas it is important to honor annually those throughout society who work to prevent crime and to build and sustain communities; and

Whereas the National Citizens' Crime Prevention Campaign (featuring McGruff the Crime Dog and sponsored by the Department of Justice, the Crime Prevention Coalition, and the National Crime Prevention Council) encourages effective partnerships to reduce crime and to improve life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1994 is designated as "Crime Prevention Month" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 374) designating August 2, 1994, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Madam Speaker, reserving the right to object, I yield for an explanation to the gentleman from Michigan [Mr. STUPAK], who is the chief sponsor of House Joint Resolution 374.

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I rise today in support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day" to commemorate the National Night Out.

Madam Speaker, this resolution enjoys widespread support in this Chamber, as it took me less than 48 hours to obtain over 200 signatures from my colleagues.

Madam Speaker, National Night Out is designed so communities across our country can band together to show law enforcement officials that we stand ready to assist them in taking back our streets and neighborhoods from criminals, drugs and violence.

National Night Out involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local elected officials from 8,650 communities from all 50 States, United States territories, some Canadian cities, and United States military bases world wide. In all, it is estimated that 26.5 million people participated in National Night Out 1993.

To help make National Night Out more successful in 1994, I urge my colleagues to ask their constituents to turn their lights on between 9 p.m. and 10 p.m. on August 2 to show our Nation's law enforcement officials that we support them.

House Joint Resolution 374 takes National Night Out a step further. This resolution, with Presidential approval, would solidify into law the commemoration of the National Night Out program in 1994.

Madam Speaker, our Nation's law enforcement officials have accepted great responsibility, subjected themselves to great personal risk and often made the supreme sacrifice to keep America's streets and neighborhoods free from crime.

But, law enforcement cannot single-handedly defeat these tragic elements in our society. It has been proven that when communities band together with law enforcement, be it Neighborhood Watch or other programs, they demonstrate the kind of moral resolve that sends a much stronger message to criminals than anything law enforcement can do by themselves.

Madam Speaker, next Tuesday outdoor lights will hang in cities, towns and neighborhoods throughout this country to celebrate National Night Out. A variety of events, like cookouts, visits with local police officers, and other youth programs will also take place. National Night Out has proven to be an effective and inexpensive way for communities to show that they want to help law enforcement reclaim their streets and neighborhoods.

Madam Speaker, I urge my colleagues to bring this message to cities, towns and neighborhoods in your congressional districts. Tell your local police officers that you stand with them in their fight against crime.

The SPEAKER pro tempore. I thank my colleagues who cosponsored and I thank the Chairman, the gentleman from Missouri [Mr. CLAY], for his prompt attention to this resolution.

Mr. GILMAN. Madam Speaker, further reserving the right to object, as a cosponsor, I rise in strong support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day."

Statistics on violent crime are alarming, indicative that something must be done. Crime affects virtually every neighborhood and every citizen in our great Nation. Violent crime is an evil that lowers our potential, robs us of our youth, and tears away at the very heart of America.

One tactic that has proven to be especially successful in our fight against crime is neighborhood crime prevention programs that confront violent crime on a block-by-block, neighborhood-by-neighborhood basis. Communities have joined together with law enforcement officials and refused to give in to the scourge of crime, showing that positive changes can be wrought at the most local level in our society.

Madam Speaker, it is in recognition of this success that we pay tribute to the National Neighborhood Crime Watch Program. Neighborhood watches and community policing have succeeded over the years in uniting citizens to protect their homes and their communities. Neighborhood crime watch programs across the country have provided a beacon of hope and a bastion of safety in areas formerly feared for their dangerous crime rates, making communities across the Nation better places in which to work, play, go to school, and raise a family. The Neighborhood Watch Programs have helped to weaken the foundations of this national problem, making it more difficult for violent crime to grow and flourish.

In recognizing National Neighborhood Crime Watch Day, we are paying tribute to a special group of brave and dedicated Americans who have taken a stand and are doing their part to fight crime and violence. Their involvement in neighborhood crime watches not only improves their quality of life, but also provides an invaluable service to our Nation. These community leaders deserve our praise, our recognition, and our heartfelt thanks.

Madam Speaker, I urge our colleagues to join in supporting this important resolution.

□ 1900

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Maryland? There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 374

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 9 o'clock postmeridian on August 2, 1994, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 2, 1994, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY
MR. WYNN

Mr. WYNN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. WYNN: In the last whereas clause strike "8 to 9" and insert "9 to 10".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Maryland [Mr. WYNN].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMEMORATION OF 50TH ANNIVERSARY OF WARSAW UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening in support of the resolution which passed this House earlier today that pays tribute to the courageous people of Poland on their upcoming 50th anniversary of the Warsaw uprising.

House Joint Resolution 388, sponsored by myself with the staunch support of the full Foreign Affairs Committee, its chair, LEE HAMILTON of Indiana, and its ranking member, BEN GILMAN of New York, commemorates the 50th anniversary of the Warsaw uprising of August 1, beginning August 1, 1944, through the middle of September of that year in which 250,000 Polish citizens lost their lives defending against Nazi and Communist aggression. I ask my colleagues to join me this evening and the American people in remembering the history of that period and memorializing those that withstood the cruelest annihilation because they stood in the path of two brutal aggressors. The Warsaw uprising lasted nearly 2 months. During the revolt, the Soviet Army stood on the east bank of the Vistula River and let the Nazi forces brutally destroy Polish resistance and reduce Warsaw, that nation's capital city, to rubble.

The Poles, caught between two terrible, destructive ideologies, put up a courageous effort for 63 days led by the Polish Home Army, the armed hand of the Polish Underground State, supported by elements of the Polish underground partisan groups, and the entire Warsaw population of ordinary people, men, women, and children. Although severely outnumbered and armed with only hand-held weapons and gasoline filled bottles, they fought valiantly against German Panzer Divisions. The resistance held major portions of the city against insuperable odds, and suffered extreme hardship, retribution and personal sacrifice.

The nations of the world stood by without giving effective help at a time when Polish Army units were helping to liberate France, Belgium, and Holland. Appeals for food, arms, ammunition, and antiarmor weapons answered by Allied air drops, were all too late and ineffective—none at the proper time nor anywhere near the size of the need. The air drops were made at great cost to the human lives of the members of the Polish Squadron of the Royal Air Force, the Canadian Air Force and daylight flight of 110 United States Flying Fortresses.

After the revolt was crushed, under direct orders from Hitler to annihilate the capital, the German Army systematically destroyed the city of Warsaw. At the war's end, Warsaw, the center of

the national life, culture, and religion, had nearly 70 percent of her buildings in ruins.

The loss in Warsaw, which history must remember, was staggering. But due to the Communist takeover of that nation after the war, so much of their tragic history was suppressed. More people died in the Warsaw insurrection than in Hiroshima and Nagasaki combined, and the destruction of Warsaw was more complete than either of those cities. During the war, Warsaw lost more dead than the total number of American soldiers killed on all fronts.

President Clinton paid special tribute to these important days in Polish history during his recent visit to Warsaw. The Nations of the World and our Vice President will assemble in Warsaw on August 1 to commemorate the 50th anniversary of this tragic and unnecessary loss of human life and the heroism that it represents.

During this week in order to commemorate this poignant reminder of the triumph of human spirit over adversity, I would like to offer a chronology of events surrounding that massacre and insert into the RECORD and read into it during extension of remarks throughout this week excerpts from the book, "The Forgotten Holocaust: The Poles Under German Occupation, 1939 through 1944," by Richard Lucas.

This evening, I submit for the RECORD a chronology of those events, along with the beginning of that history, and just reading one passage from that book:

The murdering reached so feverish an intensity by August 7 that one eyewitness had the impression everyone in Warsaw would be decimated: When we passed No. 9 Gorczewska Street (a house which belonged to nuns), we were called into the house and ordered to carry out the corpses which were there. The courtyard was a dreadful sight. It was an execution place. Heaps of corpses were lying there; I think they must have been collecting there for some days, for some were already swollen and others quite freshly killed. There were bodies of men, women and children, all shot through the backs of their heads. It is difficult to state exactly how many there were. There must have been several layers carelessly heaped up. The men were ordered to carry away the bodies—we women were to bury them. We put them in anti-tank trenches and then filled them up. In this way, we filled up a number of such trenches in Gorczewska Street, I had the impression that during the first days of the Rising everybody was killed.

This evening, let me say that on behalf of all those who believe in freedom, in the cause of freedom, and the people of Poland who built that city of Warsaw back brick by brick after the war, our hearts are with them during this most poignant memorial period of a most tragic part of their history.

Madam Speaker, I include the following documents referred to in my special order, as follows:

THE WARSAW UPRISING: CHRONOLOGY (Prepared by the Congressional Research Service)

September 1, 1939.—Germany invades Poland.

September 16, 1939—Warsaw falls to German forces.

September 17, 1939—Soviet forces cross eastern Polish border.

October 5, 1939.—Poland surrenders to Germany.

October 1940.—Germany establishes and seals Warsaw Ghetto. Over 100,000 die of starvation or disease before Ghetto uprising in 1943.

June 22, 1941.—U.S. Government states that Polish borders are "immutable."

April 19, 1943.—Warsaw Ghetto uprising begins. German forces attack the ZOB (Jewish Fighting Organization). When uprising quelled on May 16, 56,000 in the Ghetto have been killed.

November-December 1943.—Teheran Conference. Stalin tells FDR, Churchill that he wants East Prussia and territory west to the Curzon Line. FDR apparently gives ambivalent responses, concentrating on efforts to keep Russia in the war, engage Russia in the Pacific War, then estimated to last at least another 2 years. Churchill later tells Poles' London government that in interests of security, Curzon Line should be west Russian border, but that Poland will be "compensated" with part of eastern Germany. The three leaders discuss the make-up of the UN and the Security Council, having in mind the postwar order and how they would manage it.

December 1943.—FDR tells Mikolajczyk, provisional Prime Minister of Polish government-in-exile in London, that US will not go to war with Russian to defend Poland interests. FDR apparently indicated that, in principle, he favored border alterations for Poland, with Russia moving frontier west to the Curzon Line.

June 7, 1944.—Russian forces invade German-held Poland. Over the next 6 weeks they push German forces back, despite some setbacks in northern Poland.

July 28, 1944.—German officials in Warsaw call 100,000 Warsaw youths to duty to build "fortifications" around Warsaw against Russian forces. The call-up raises tensions in the city, with families recalling earlier instances in which those called were sent to concentration and labor camps.

July 31, 1944.—Russian forces reach Warsaw suburb of Praga, on eastern banks of the Vistula.

August 1, 1944.—Warsaw uprising begins. The lightly armed "Home Army" of Gen. Komorowski succeeds in gaining of much of the city for a week. German forces counter-attack, using the Luftwaffe to bomb sectors to the city beginning Aug. 4, then moving in the armored forces to level buildings and set neighborhoods on fire. Aug. 12-14 FDR and Amb. Harriman ask Stalin to allow U.S. bombers from Italy and France to bomb German positions, drop supplies to Home Army. Stalin refuses.

September 1944.—Rebels' resistance steadily weakens. By mid-month Stalin allows a few US, British, and Soviet supply flights; in smoke over city, air drops often fall into German-held sectors. Mikolajczyk, desperate for Soviet help, agrees to give 14 of 18 cabinet seats to representatives from Soviet-controlled Lublin Committee.

October 2, 1944.—Uprising collapses, and Germans regain control of the entire city. Home Army suffers 15,000 killed or missing in action; 250,000 civilians die. Germans lose 17,000 killed or missing in action.

January 1945.—Russian forces enter the city as German forces retreat.

February 1945.—Yalta Conference. US favors a "free and independent Poland", but recognizes Soviet control there. Churchill endorses western Polish border at the Oder-Neisse line. Big Three agree that Lublin Committee under Edward Osobka-Morawski, a Soviet puppet, should organize a government. But Stalin refuses US-British request to allow their observers into Poland. Final settlement or borders to be left to a peace conference and a resulting treaty.

July 1945.—US, Britain withdraw recognition from London-based Polish government and recognize Osobka-Morawski's provisional government.

January 17, 1947.—Elections take place in Poland. Supporters of Boleslaw Bierut, Osobka-Morawski's successor, gain 382 of 444 seats. US, Britain denounce the elections as neither free nor fair.

FORGOTTEN HOLOCAUST: THE POLES UNDER GERMAN OCCUPATION, 1939-1944 (By Richard Lucus)

The Poles had planned for years to launch an uprising when the Germans were at the point of collapse, and there was a possibility of securing assistance from the western Allies. After the battle of Stalingrad, it was apparent that Poland's liberation would come from the East, not the West, and thus there was a great deal of discussion concerning what the policy of the AK (Polish Home Army) should be toward the advancing Soviets.

*** in eastern Poland during the early months of 1944, military cooperation by the AK with Soviet armed forces broke down, resulting in the dissolution of AK units by the Russians and the conscription of Polish soldiers into the Soviet army. There were also several instances of the Soviet killing Polish officers. In the face of these Soviet actions against the Poles, Bor asked for a western Allied Commission to be sent to Poland and witness what was going on there. Mikolajczak raised the matter with Churchill even arguing at one point that a British liaison officer dispatched to Wilno would at least help the AK in the region to function independently as the representative of the Polish government in London. Churchill demurred on the grounds that the Soviets would assume that any westerner there was a spy.

Warsaw, the last major city between the Soviet front and Berlin, was tenuously held by the Germans.

On July 22, the German commandant of the Warsaw garrison ordered the evacuation of women and auxiliary service help from the city. Large numbers of soldiers and police were stripped from the capital for service elsewhere, leaving for a time only SA units. The moment Varsovians had waited for for five years had finally arrived: the liberation of Warsaw.

German residents sold their possessions for almost nothing and clogged the roads leading westward to their own country.

As Germans streamed out of the city, Poles were told, unconvincedly not to believe the rumors that the Russians were at Warsaw's doorsteps and not to abandon their places of work.

Hitler was aware of the panic that gripped his people in Warsaw. Shaken and injured in the right arm by the attempt on his life at the Wolf's Lair at Rastenburg, the aging leader of the Germans had no intention of abandoning Warsaw, the loss of which would have been a major catastrophe in the con-

tinuing ability of the Wehrmacht to keep the Russians from the German homeland. Within a week of the assassination attempt, Hitler appointed an ascetic Austrian intellectual, General Reinier Stahel, to take charge of the defense of Warsaw. A courageous man with steel-like nerves, Stahel's specialty was defending cities.

In the last days of July there was a considerable increase in the numbers of arms dumps liquidated by the Gestapo; and, by arrests of Poles responsible for organization, the Germans indicated preparations for an attack on Polish military formations. Machine-gun posts were simultaneously set up at various points in the streets, while at a few key points, like Zoliborz Viaduct, tanks were drawn into position. These preparations supported claims that German authorities were on the verge, any day, of putting into execution their long-completed but hitherto not implemented plan for the wholesale removal of the male population of the capital.

In an effort to crush Polish hopes that they would be able to assist the Russians from within the city, the Germans went on a spree of arrests, deportations and executions. And just a few days before the uprising actually occurred, the Germans found an AK cache of 40,000 grenades, which reduced by half the number available to units on the day of the upheaval.

Most Poles, in anticipation of liberation, continued to train themselves in the use of weapons and ammunition. People who never had military experience gathered in private homes, six or seven to a group, once a week. And once a month they had maneuvers; in order to not cast suspicion of what they were up to, they left Warsaw for their practice. One man used to stand in front of a mirror for hours to see how he was demonstrating the use of a rifle; he did this repeatedly, so he would be flawless in making a presentation to a group of neophytes.

For some time prior to the summer of 1944, Moscow Radio urged the Poles to rise up against the Germans. In May 1944, *** the Communist Poles in the Soviet Union *** criticized the AK for its alleged lack of action against the enemy.

*** the Chairman of the Union of Polish Patriots, Wanda Wasilewska, chimed: "Do not believe those who call up to idleness and inactivity. Our slogan is merciless, a deadly fight with the enemy at every doorstep."

Although such pleas had been repeated with monotonous regularity for some time, those that came during the last days of July, when Soviet forces were at the Vistula, had special significance.

At 8:15 P.M., on July 28, the day the Russians formally announced the shelling of Praga, a Warsaw suburb, Moscow Radio broadcast:

Fight the Germans. *** The Polish Army now entering Polish territory, trained in the USSR is now joined to the People's Army to form the corps of the Polish Armed forces, the armed arm of our nation in its struggle for independence. *** They will all together with the Allied Army, pursue the enemy westward, wipe out the Hitlerite vermin from the Polish land, and strike a mortal blow at the beast of Prussian imperialism. ***

Again the next day, another impassioned plea called the Poles to arms repeated several times on the Russian-sponsored broadcasting station, Kosciuszko.

The closeness of Soviet armies to Warsaw, the mood of the Poles in the capital, and the large political stakes involved convinced Bor and some of his key advisers that Warsaw

was ripe for an uprising. Based on faulty intelligence information *** Bor gave an order—authorized by Government Delegate Jankowski, who had been given plenipotentiary power in this matter—to launch an uprising in the capital on August 1, 1944.

UNIVERSAL HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. DERRICK] is recognized for 60 minutes as the majority leader's designee.

Mr. DERRICK. Madam Speaker, who is it we are trying to help in this effort to reform our health care system? The very poor have their health coverage through Medicaid. The very rich don't need our help since they can buy health coverage at any cost. The truth is middle-income Americans should be the focus of health care reform. Everyone agrees we must move cautiously to make sure these Americans are treated fairly.

Many policymakers and opinion shapers are saying we should take health reform a step at a time for this very reason. However, a new study shows this approach would hurt the very people we are trying to help.

The study shows health care reform promising anything less than universal coverage will increase the cost of health care for middle-income Americans. Once again, asking those struggling to support their families to foot the bill.

The study, commissioned by the Catholic Health Association, analyzed several of the most prominent health plans currently before Congress. The study looked at how each of the plans would affect the American family. Specifically, it analyzed which families would pay more for their health care and which would pay less based on household incomes.

Listen to the findings of the study:

Our analysis shows that premiums are lower under universal coverage than under insurance market reform linked to subsidies. Further, we estimate that middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage. In addition, for currently insured households earning less than \$100,000 annually, health spending will decline under universal coverage with an employer mandate and cost constraints.

The number that jumped out at me when I looked at the study was \$344. That's how much more a year a family making \$35,000 annually will pay for health coverage under incremental reform.

That same family would save \$165 per year under a system offering universal coverage. And your next question is, "How can that be?" "How is it that more people can have health care for less cost." The answer is very simple.

The more people there are to spread the cost around, the lower the cost will

be for any given family. That is why universal coverage is so important.

Without universal coverage, insurance reforms will only exacerbate the already critical situation for middle-income Americans. If we require insurance companies to offer insurance to anyone regardless of their medical background or other criteria but not require everyone to have insurance, the young and the healthy will opt out of health insurance altogether, and the risk pool will become less stable. The result will be higher premiums for everyone and only a small reduction in the number of uninsured.

But this is exactly what many would have us do. A managed competition approach to health care reform with insurance reforms and subsidies for the poor, but without universal coverage, would really sock it to middle income American families. And that is not right, and it's not what any of us want to do.

Some would-be reformers are saying: "Let's go slow on health care reform." They say: "Let's only go part way and see what happens." They say: "What's wrong with taking this one step at a time by passing the reforms we all can agree on?"

To go slow and enact nonuniversal health care reform is to do the very harm we are trying to avoid. We knew it would cost us in human terms if we failed to achieve universal coverage. Now we see it will also cost us financially.

The incremental approach to health care reform proposed in the Dole plan, the Cooper bill, the Senate Finance bill, the Rowland-Bilirakis bill, and others will benefit the poorest Americans through subsidies. The wealthiest Americans don't need our help. It is middle-income Americans who will suffer. The overwhelming majority of Americans will bear the weight of our timidity. These are real Americans and their families that are simply struggling to make ends meet. We must not make their job any harder.

Before we look at exactly what the study found, let me say a word about the study. This is an independent examination by Lewin-VHI, a non-partisan, nonpolitical, well respected analysis firm that looks at numbers—not opinions.

As the firm looked at different likely scenarios for health care reform, they started with the simplest: insurance reforms alone. What they found was these reforms would only bring in 1.1 million more people to the health insurance system. These are people who previously couldn't get or maintain their coverage due to the high cost of an individual policy or because of a preexisting condition. These are people who currently lose their health coverage when they change or lose their jobs. It is a step in the right direction, but a small one since this amounts to

only 3 percent of all the currently uninsured.

When they combined insurance reforms with subsidies for the poorest Americans, the number of the uninsured dropped by 40 percent. Again, this would be a welcomed change, yet the number of those without health insurance would remain high at 22 million.

"Fine," some say, "that's a good start, and we can do it without disrupting all those people who are happy with their health insurance coverage today. What's wrong with that?"

The study found, and the experience of New York State proves, that with insurance reforms and subsidies, more higher risk individuals will be brought into the system. Medical costs to the insurer will increase, and these increases will be passed onto the consumer in higher premiums.

With these higher premiums, many of the young and healthy will decide they can do without health insurance for the time being—gambling they can pick it up when they need it. The result of this nonuniversal reform is the elderly and sick will maintain their insurance, racking up higher and higher medical costs. The young and healthy won't be there to offset these costs, and the premiums for those who currently have insurance will increase tremendously.

Keep in mind, under these nonuniversal reforms, 22 million Americans will still be without health insurance. And as is the case today, none of them will be turned away from a hospital emergency room when they need care. The cost of this care—projected to be \$25 billion annually by 1998—will continue to be passed on to paying consumers. Under nonuniversal reform, the cost shifting onto hard working, middle-income Americans continues.

While the study found such incremental reforms raised the annual premium for a middle-income family by \$344, a program of universal coverage actually lowered that same family's costs by \$165 a year.

Mr. Speaker, I have given a general overview of why it is so very important to pursue a universal approach to health care reform. Middle-income Americans should not have to foot the bill, once again, for the rest of the country. This study should be a giant wake up call to this Congress that unless we have the courage to confront this problem head on, we will be hurting the very people we profess to be trying to help.

□ 1920

But that is not the case. The reverse, the absolute opposite of that, is the case.

If we do anything less in this House on health care than universal coverage, it is going to be the middle income, those who have insurance now, that are

going to end up picking up the tab, and the rates are going to go up more than they are now tremendously, because if we do not have a universal coverage and a mandate, what is going to happen is that those who need insurance like those who have preexisting illnesses, those who have an unhealthy situation or are getting to an age where they are more concerned about their health care, are going to keep their insurance, and it is going to mean that the healthy people in this country will tend to back away from it right now, and it will mean that the average family with an income between \$30,000 and \$39,000 a year will pay \$344 more a year for insurance. If we have universal health care, they will pay \$165 less a year, and under this plan, we still have 22 million Americans who are uninsured.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have to ask ourselves tonight, and as we complete this debate on national health care, is it worthwhile to provide limited health care reform without guaranteeing affordable insurance for everyone. Well, put another way: Is doing something always better than doing nothing?

The gentleman from South Carolina, with his eloquent remarks, along with the presentation of the Catholic Health Association study, gives us that answer, and that answer is "no."

You know, Democrats and Republicans, and generally all Americans, agree on the need for health care reform and the need to eliminate preexisting-condition coverage exclusion, to bar lifetime limits which allow insurance companies to cut off coverage after certain dollar amounts are claimed, to prevent insurance companies from denying certain people coverage, and generally Americans agree that subsidizing health care coverage for the poor is a noble and important mission.

But these insurance reforms on their own will not result in real health care reform benefiting working-class Americans. The only way insurance will be affordable is to have everyone insured and to enact cost-containment measures to make health care affordable.

By involving all Americans in health care coverage and applying cost-control mechanisms, there will be several phenomena which will occur very immediately. Insurance companies will no longer be able to deny coverage to anyone including the elderly who are not yet eligible for Medicare. Insurance companies will not be able to deny coverage to everyone who has some type of disease, and insurance companies will no longer be able to deny coverage to everyone just because they have been sick at some time.

You know, if cost controls are not part of the health care reform, the new

insured population will drive up premiums and will lead to healthy people dropping their coverage. Anyone will be able to obtain insurance when they get sick, since incremental health care will prevent insurance companies from refusing to cover people, but the fact is that the remaining insured pool will become older, less healthy, and the pool's insurance premiums will skyrocket. That is what occurred in New York last year, and it would spread nationwide.

Let me quote the Wall Street Journal from June 15, 1994:

For the past year, New York State has tried community rating without a law requiring everyone to have health insurance. Now, insurance companies are raising prices again in order to cover the medical needs of those sicker people left in the pool. State Insurance Department figures show that as of January 1, 9 months after the new law took effect, 25,477 fewer people had health insurance individually or in smaller employer groups.

As the Catholic Health Association study reports and as the gentleman from South Carolina pointed out, families making from \$20,000 to \$30,000 will have to shell out an additional \$200 a year for insurance premiums, and families making between \$30,000 and \$40,000 will have to pay \$344 dollars more a year for the same coverage they have now.

Well, folks, the people in Oklahoma that I represent do not make over \$40,000 a year, by and large, and I cannot and will not ask them to absorb the costs of health care reform. We need to make sure all Americans are insured, but that the costs are kept under control.

I have 120,000 people in my congressional district in Oklahoma who have no health care insurance, but what is extremely disturbing is that 105,000 of these people are in working families.

But what is Congress going to tell these people if we do half a loaf package of reform? It will be really great if you are elderly or if you have a pre-existing condition, but if you are healthy and just starting a family, you will find you are out of luck, because the premiums will be too expensive to afford.

Is that what we want to take back and tell the citizens of our districts and our States? It is certainly not what I want to tell 701,000 Oklahomans who are without insurance.

We have come too far not to complete the whole job, which is affordable health care for all Americans. That is what Americans are demanding. That is what Americans are expecting. And that is what we should deliver and nothing less.

Mr. DERRICK. Madam Speaker, I yield to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman very much for yielding, and I thank the

gentleman for his leadership in calling this special order this evening; thank you for your other work on this important issue, universal coverage for all Americans.

I was so pleased to see the recognition the gentleman received at the White House, not only from the President and the First Lady but also from small business people across America, joining our colleagues in saluting your work in this effort.

My colleagues, our colleague, the gentleman from South Carolina [Mr. DERRICK], has talked about the analysis of the Catholic Health Association of America which shows that premiums are lower under universal coverage than under insurance market reforms linked to subsidies.

I have a couple of charts I want to go into further detail on that, but first I did want to mention that the need for this universal coverage, we all know that the strength of our country should be defined in the health and well-being of our people. We also know that there are tens of millions of people in our country, because of having a pre-condition, diabetes, a heart condition, the list goes on, every person in America, everyone in a family with a pre-condition knows that list, cannot have access to universal coverage.

We also know that there are many people in America who in any given year may have run out of their lifetime limits for access to health care. For that and other reasons, there are 37½ million Americans who are uninsured.

It is important for us to have real health care reform also because of the fiscal health of our Nation. We all know that the largest single, largest rising increase in our deficit springs from rising costs of health care. And so for that reason, I think it is important that we have true health care reform which truly addresses the needs of our people.

First of all, I want to show a chart that demonstrates what the gentleman from South Carolina [Mr. DERRICK] was informing us on earlier: Partial reform does not help the middle class. Make no mistake, if we do partial reform, the middle class gets socked.

I call my colleagues' attention to this chart. On this chart, the red indicates the number of people who have health care, who would have health care coverage under partial reform. Those families with \$15,000 and below income, the number of those uninsured is reduced drastically down to this, but as we get closer to \$15,000 to \$23,000, the number of uninsured is just a very small bit to those who are now insured. When we get to families with an income of \$30,000 to \$46,000 a year, the red indicates those who are uninsured now, and the yellow indicates those who will be uninsured under partial coverage. The middle class gets no improvement in its coverage, and in some cases, the

premiums are increased for less coverage.

□ 1930

As income goes up, it does not change drastically, but as our colleague, the gentleman from South Carolina [Mr. DERRICK] mentioned, for those in the very high-income bracket we do not have as much concern as those in middle income who can be pauperized by someone in their family becoming ill.

On another chart I want to indicate in another way what happens under three different scenarios. The current system, of course, 37.2 million uninsured. That does not include the underinsured, which brings the number even higher, but talking about the uninsured for a moment, 37.2 million. Under insurance market reform only, 1.1 million Americans would be covered. We have a net increase of 1.1 million Americans covered, leaving 36.1 million Americans still uninsured.

That is a percentage reduction of the uninsured of 3 percent.

Insurance market reform with subsidies, some of it we have seen in managed competition, 14.9 million become insured. We still have 22 million people uninsured, a 40-percent reduction.

These charts I think indicate that middle-income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage, for a number of reasons that I will go into.

For currently insured households earning less than \$100,000 annually, health spending will decline under universal coverage with employer mandate and cost constraints. I wanted to indicate that the insurance market reform, just this scenario, 1.1 million includes guaranteed renewability and portability, limits on preexisting condition exclusions and community rating for individuals in small group markets. That is markets under 100. With all of that reform, still only 1.1 million.

As specified in the Managed Competition Act, which is a partial change, 100 percent premium subsidy for persons with income below poverty, and sliding-scale subsidies for persons up to 200 percent of poverty. The act also includes changes in the tax deductibility of premium payments.

In any case, we estimate that the insurance reforms alone are not sufficient.

How does this translate into dollars? The uninsured would consume about \$45.5 billion in health services in 1998. Persons who remain under the Managed Competition Act, if that were to become law, would continue to consume about 55 percent of this amount, or \$24.8 billion. That amount of money would still have to be spent on the uninsured should the Managed Competition Act prevail. This amount

includes out-of-pocket spending, free care provided by physicians, hospital uncompensated care, and care provided in public hospitals and clinics.

Much of the remaining care for the uninsured would continue to be financed through cost shifting to the privately insured. As markets become increasingly competitive, physicians and hospitals will be put under increasing pressure to either avoid the uninsured or lose financially. In this way partial reform could perpetuate the destabilizing effects of the cost shifts. That is the reason so many businesses who provide health insurance support reform, universal coverage. They are paying the price right now for those who are uninsured.

The charts give us a message. This analysis, the Catholic Health Association of America gives us a message, the information, but I want to put the message further into the words of one of my constituents who sent me a copy of a letter she sent to the President:

DEAR MR. PRESIDENT: I'd like to applaud your efforts on behalf of health care reform. Just recently, I have quit my job and plan to move out of state. To continue my medical and dental benefits would have cost me \$215.41 a month (for single coverage). I'm single with no dependents and in excellent health. Because I cannot afford this, I will opt to go without health insurance coverage until I'm employed again. If I get sick (I pray that I won't), I will simply go to a County Hospital or emergency room. This is an appalling state of affairs. I'm single with no dependents and in good health, but cannot afford to be covered until and unless I get a job.

She goes on to say, as Mr. DERRICK said earlier, "Health care reform is a middle-class issue, not simply an imperative for the poor, elderly, sickly or homeless. This legislation securing universal health care coverage must be passed this year". She also goes on to say, "Mr. President, get on with the job of health care reform. Pass legislation that will benefit everyone".

As Mr. DERRICK said earlier, some of these plans help those at the low end of the scale, and those at the high end of the scale we are not as worried about. It is the middle class.

Under a 95 percent coverage reform plan, Americans in the \$30,000 to \$46,000 income bracket see no decrease in the number of those uninsured. It was George Bernard Shaw who said, "The sign of a truly intelligent person is someone who is swayed by statistics." I think these statistics send a very eloquent message that the middle class has a problem with anything but universal coverage. I am pleased to join my colleague, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentleman from California very much for her articulate presentation of why we need universal health care.

Madam Speaker, I am pleased to yield to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. I thank the gentleman for yielding to me.

Madam Speaker, in the ongoing health care debate, we hear discussions over and over again on the kind of health care our Nation's citizens will have, both with and without universal coverage.

We hear a lot about those who are satisfied with their coverage. We also hear much about the uninsured, but, Madam Speaker, I want to concentrate for a few minutes on the core of America—the working men and women who make up what we often call the middle class—and how their health insurance will be affected by what we may or may not do.

Allow me to paint two pictures for you. Two pictures of America after health care reform, one with universal coverage, and the other without universal coverage. And then you decide where you and your family would most like to live.

If you are a middle class, working taxpayer, making between \$20,000 and \$75,000 a year in the Sixth Congressional District of South Carolina—or any other congressional district in the country, for that matter; and if we were to pass a plan which covers only 91 percent of Americans, such as that under the Cooper, managed competition bill, you can expect to see an increase in your yearly premium.

Let us take a look at the figures on this chart. The first picture I want to paint.

The columns represent changes in health care premiums, if we only do incremental reform, as many opponents of universal coverage are advocating.

You can readily see that the biggest increase in premiums is the column which represents those who make over \$30,000 but less than \$40,000 a year. And if you make between \$20,000 and \$30,000 a year, you can expect an increase of over \$200 per year in your annual premiums.

If you make over \$40,000 a year, but less than \$50,000, you will experience an increase of \$137 per year. Under this plan, you will only experience a decrease if you make less than \$20,000 or between \$75,000 and \$100,000 a year.

Now, I do not know about you, but to me and the people of my district, that could mean a car payment for those who make between \$30,000 and \$40,000 a year, or child care payments for those who make between \$20,000 and \$30,000 a year, and a college student's textbooks for those who make between \$40,000 and \$75,000 a year. And, my fellow colleagues, I wage my bet that you have many people who fit into this average American household category living in your districts as well.

This picture, as all can see, shows that the managed competition concept of health care reform delivers devastating body blows to middle-income Americans at almost every level.

If you are a middle-class, working taxpayer and we pass a health care reform bill with universal coverage, you can expect to pay less than you are currently paying for health insurance premiums each year.

Let us look at another chart, the other picture, if you please.

What you can readily see is that the same people who would see a dramatic increase in their premiums under the incremental reform plan would experience a large decrease in their annual premiums under universal coverage.

If you make between \$30,000–\$39,000 a year, your savings could be as much as \$165 each year. Again, that's \$165 hard-earned dollars that you could save with universal coverage.

Under universal coverage, everybody in America making less than \$100,000 a year will experience dramatic savings.

And those making over \$100,000 a year would experience only a \$210 increase in their annual premiums.

Health care reform, without universal coverage, will mean significantly higher—not lower—health care costs for middle-class Americans who presently have health insurance.

By implementing universal coverage, the increase in average premiums is averted because, not only would the sick and medically needy be included in the insurance pool, but also the young and healthy people who do not require as much medical service.

By including everyone, the people who do not regularly use the insurance services drive down the premiums for everyone.

Just think of this concept in simple terms. If the only people in the pool are the elderly and medically needy who require excessive amounts of medical attention, the premiums will be high because these high-use patients will be supporting the costs of others just like themselves.

However, if universal coverage is implemented, many more young, healthy people will be in the insurance pool. When this diversity is reached in the pool, the picture is quite different.

The low-use people who rarely use medical services will cause the costs to drop dramatically because the total dollar amount of medical care required by all of those in the pool is much lower. When this happens, the premiums dramatically go down for all of those in the pool. That's the beauty of universal coverage.

Besides, without universal coverage young, healthy people will opt out of the insurance market when premiums are raised thus causing higher premiums for the medically needy who remain.

Also, without universal coverage, many employers who presently provide health insurance for their workers are likely to reduce coverage or stop coverage altogether.

With 9 out of 10 insured Americans currently receiving health care

through their employers, we cannot afford to risk reducing their share of health care coverage. When dealing with the employer share of the costs, it is important to notice the significant savings, once again, by passing health reform legislation with universal coverage.

Now let me summarize for you the first picture I showed you earlier of the Nation's workers who make over \$20,000 a year and less than \$75,000 a year. For them alone, the total increase spending on premiums adds up to \$7.8 billion.

That Madam Speaker, is money that could be saved if we pass health reform legislation with universal coverage.

Now to summarize the second picture.

These same people will experience a \$5 billion reduction in spending for themselves and their employers, if universal coverage is enacted.

Again, I ask, what kind of health care legislation you and your family would be better off with? I believe the answer is universal coverage.

Finally, Madam Speaker, one of the things which has been often overlooked in this debate is the fact that the majority of uninsured persons fall between the ages of 30 and 44, which is the age category with a highest percentage of working persons. Of uninsured Americans, 84 percent are from working families. It is these people who will be forced to pick up the tab for health insurance if only partial, rather than universal, coverage is erected.

Madam Speaker, I continue to hear the talk show hosts and many of my friends on the other side ask, "Where is the promised middle class tax cut?" I maintain it is right here in health care reform with universal coverage, and those of us who fail to recognize or acknowledge it are either short sighted or a bit disingenuous.

The middle class of America is deserving of universal coverage and the men and women of this Congress, in my opinion, are duty-bound to grant it.

□ 1940

Mr. DERRICK. Madam Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN] for his excellent and very articulate remarks on the need for universal coverage.

Madam Speaker, it is with a great deal of pleasure that I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Speaker, I want to thank the gentleman from South Carolina, both my friends from South Carolina, for their contributions this evening. The gentlewoman from California [Ms. PELOSI] and I from the other side of the country have come together with those two gentlemen, and certainly with others like the gentleman from Oklahoma [Mr. SYNAR] and have reached a very similar con-

clusion based on the work of the Catholic Health Association and its very important study. Results are evident. I think all of us have heard the message tonight; it is loud and clear. Plans for reform that do not provide universal coverage really will not add up to much at all.

In fact, Madam Speaker, I think I, for one, am unwilling to go back to my constituents in northern California and say, Yes, Congress has passed a health reform bill, but you will be paying more and getting less. You'll still be at risk of having your insurance taken away. You'll pay taxes for the health care costs of other people, many of whom don't work, and, despite all of that, we still cannot guarantee you that you will have coverage, and if you're fortunate enough to get it, you'll pay more for it, and or course if you're a small business, if you own a small business trying to compete in this environment, you'll continue to pay more for your own insurance and for your employees as well.

Partial reforms just do not get the job done. As tonight's discussion has clearly demonstrated, as the gentlewoman from California [Ms. PELOSI] outlined in her presentation, insurance market reforms alone will have little impact on the number of people who are covered.

□ 1950

We are only going to cover an additional 3 percent of all the uninsured, if we just do some tinkering with the insurance laws at the State level and so-called reform insurance. Even with subsidies, which will be hard to come up with, but even if we obtain subsidies in addition to those insurance reforms, we still cover only 40 percent of the people who today in our society are uninsured.

So after hearing all the evidence presented in this study, the Catholic Health Association study that we are referring to this evening, I think the middle class is being stuck with a pretty big bill for a plan that would only get 40 percent of the uninsured covered, and at the same time a plan that potentially leaves them out of the picture.

Now, some might say, well, covering 40 percent is at least a good start. But I think it is important that we remember the real live consequences of this debate and who it is we are going to stick with the bill for health care reform.

The poor are helped. You can see the benefit on the left side of this chart. You actually do eat into the people who make less than \$15,000 a year. They do benefit.

The wealthy at the other end of the spectrum, off this chart, are doing quite well, thank you. We do not have to worry about their ability. They are left in good shape.

But the middle class, as usual, pays the freight. And you can see as a result of this chart almost no impact, moving from the red down to the yellow, in the middle income from \$50 to \$70 thousand a year, a very little gain is made at all in whittling away the uninsured in those particular income brackets.

We have to go further. We have to do more. My northern California district may be a good example. There are 105,000 people without health insurance. Over 85 percent or 90,000 of them, are uninsured, and still working every day, working hard at their jobs, juggling family responsibilities, trimming their family budgets in order to make things meet, still going to bed at night worrying about whether they will cover the bills if anyone got seriously ill. They live with a constant question mark. How will they afford to pay for their family's health care? Some 25,000 of those 105,000 people are children. As hard as their parents work to put a roof over their heads or assure they receive a good education or provide a healthy environment for them, they cannot afford health insurance for their family on modest incomes. No matter how hard they try to work to get ahead, they are priced out of the insurance market today.

But under these suggested partial reforms, and I think the Dole bill is perhaps the best example of them, it would take a tremendous amount of effort to cover even 60 percent of those people. So some 42,000 people in my district, mostly hard working middle class people, would be left with the following assumption: We reformed health care, but we are asking you, you folks in the middle class, to foot the bill, and at the same time we simply could not find a mechanism to come up with a plan that would guarantee coverage for you.

Incrementalism is not the solution. Plans that do not have the courage to go to the ultimate goal of universal coverage fail in so many ways that this report finally brings to light.

I find it particularly troubling that there are those in Congress that think an incremental insurance reform-only bill would be the safe political compromise for reform. Let there be no doubt about what this report is saying Congress would do if we passed a bill that enacts insurance reform that only offers universal access. That is the key word.

This is a quote from the Catholic Health Association study:

Middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage.

Sometimes I think it is counterintuitive. We think if we cover everybody it will cost us more money. Yet what we found in this study is that in fact it will cost us less if we get everybody into a health care system, contributing in good times as well as bad,

when you are healthy as well as when you are sick.

Incremental reform will force families making between \$20,000 and \$75,000 per year to spend more on health care, while giving them no added security in return.

For example, by 1998, a family premium would increase by \$260 per year under a plan for reform, which would increase access to health care, but not guarantee universal coverage. If we passed a partial reform bill, we would be helping the poor with subsidies, the rich would be able to maintain their coverage, and the middle class would be left to fend for themselves. And we have a very good example of what happens in this sort of approach.

Look to New York State. It is pretty easy to see how partial reform would encourage more gaming of the insurance system, driving costs up for those that we want to stay in the system. Insurance reform alone creates the incentive to stay out of the health care system until a health problem develops. If you know you are going to be able to get coverage when you are sick, why buy it when you are healthy? What is the incentive to pay for coverage before that time?

Perhaps you are a young family and you decide to wait until you decide to plan to have children. But you fail to contribute up until that year when your health care costs in the insurance system are particularly high. The spiraling cost problem with partial health reform can be seen right now in New York as a result of legislation enacted a little over a year ago.

Last year New York put health insurance reforms in place which created community rating and open enrollment. In other words, insurers have to offer insurance to anyone seeking it, regardless of their health status. However, this State reform does not require that every one be in this system. It is the incremental plan we have been talking about here, the Dole plan.

The dynamic which this study describes is exactly what is happening in New York today. Insurance reforms extended coverage to the sick and older people who are traditionally higher users of health services. There were no more prior conditions. People could enter into the system that perhaps discriminated against them before. But without universal coverage to ensure that healthier, low-risk individuals and families are included in insurance pools, the level of costs increased for everyone left with insurance in the system. Higher risk insurance pools resulted in premium increases for those with insurance, causing many healthy young people and small businesses to drop out. They could not handle the additional costs. The risk pool shrunk further, increasing the level of risk for those that remained, and, as a result, we have premium increases all over again.

Additional premium increases drive out more young families, more healthy people, small businesses, and the spiral continues. We go round and round. Costs go up, more people drop out. Costs go up further, more people drop out again.

So the people that are left in the system are paying exorbitant rates, while other people are waiting for the day they think they will need insurance, the day they are sick.

In New York, as of January 1st, 9 months after the new law took effect, over 25,000 fewer people had health insurance individually or in small employer groups, plus these groups saw an average rate increase of 18 percent. Some insurers increased rates by as much as 35 percent. And this was the result of a law designed to increase access to affordable insurance.

This State's experience with partial health reform gives us some fair warning about the problems with this approach. Universal access is not universal coverage. Everyone needs to be in the system. Let us contrast New York with the reform experience with the State of Hawaii, a State that implemented health reform with universal coverage.

Under the Hawaiian system of universal coverage through an employer mandate, health insurance premiums are about 30 percent less expensive, even though as we all know, in Hawaii almost everything else costs more than it does on the mainland. Under Hawaii's reform, which included universal coverage, costs are lower and almost everyone is covered.

The plan for health reform that does not bring everyone into the system will just continue to shift costs around within the system, most often sticking the hard working middle class with the final bill. The vast majority of the millions left out under the partial reforms would be middle class working families, families who work hard every day, play by the rules, and, after this debate, they can end up worse off than before we started.

□ 2000

What a cruel hoax after 2 years of debate over health care reform.

So this study reinforces just what is at stake in a plan without universal coverage. Every American remains at risk of having their insurance taken away. Middle class families will pay taxes for the health care of millions of others who do not work. But they will not be able to get coverage or if they do, they will pay far more than they should.

Health premiums will continue to spiral upward. And business, particularly small business, will continue to pay even more.

So you can see health reform without universal coverage is no reform at all. So we have to move beyond the lowest

common denominator, politics, that so many like to use in this institution. We have to be bold because if we fail, we will fall short. We will fall short of the goals we have set for ourselves and for our constituents.

People will continue to pay much more. We will have no cost-containment for people who desperately need it and will make only incremental improvement in the number of people in our society who are uninsured today.

I wanted to thank my colleague from South Carolina for his leadership in that this Catholic Health Association study really changes the dynamic of the political debate that we are just about to begin here in Congress. It brings clearly to the fore the stake the middle class has in bringing about universal coverage. It is not something we do with a bleeding heart concern for the poor. It is something that is in the economic interest of the people who work every day and earn from \$15,000 to \$75,000 a year.

I want to thank my colleague for giving us a chance to reiterate this study's important point to our colleagues and to our constituents.

Mr. DERRICK. Madam Speaker, I thank the gentleman from California for his very articulate statement. Once again, making us understand that to do just a little is not enough and that there are things worse than doing nothing. And that would be to come up with a plan that many advocate that would not be universal coverage.

What we would end up with would be we would have fooled the American people into thinking that everyone was going to be covered and that there was going to be a reduction in the cost to them. That is just not the case unless we have universal coverage.

I know as I looked at the figures in the beginning, it was hard to really understand this, because our traditional image of Government is that whatever we do, it is going to sock it to the middle income people in this country and they are going to end up paying for it. And they do end up paying for most of our taxes that support this Government. But in this particular case, if we do not go to universal coverage, the very people, not the very rich who can afford the best health care, not the very poor who are taken care of on Medicaid, but the very people that we are trying to help we will not help.

I think there is also another misconception in this country. That is, that poor people are running up our health care bills and do not have coverage. It is not them. It is men and women, four out of five people in this country who do not have insurance coverage are either working every day or a part of a family with a working member that just can no longer afford insurance coverage.

It is so very, very important that I would ask my colleagues, but also ask

those folks back home who may be watching us here tonight, to urge their Members to support universal health care coverage.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentleman for calling this special order tonight. As he was speaking, he reminded me, as did our colleague from California, of the many more reasons that we do not have time to go into tonight but that our colleagues on other evenings will go into about why we cannot make incremental change.

There is a constituency for change out there now that understands in each person's personal life why it is important for us to have universal coverage for all Americans. It is about a person's health and well-being.

I mentioned earlier, and it has been mentioned many times, why it is important to our own national budget. But in terms of the economy of our country beyond individual personal good health and physical health of our national budget, it is important that we make real change, too, because working-class Americans, people who work, as the gentleman from California [Mr. FAZIO] said, work every day, trying to make ends meet and still do not have health insurance, they would be less likely, for example, to leave their jobs to go start a new business. Or less likely to change jobs and take a chance doing something else.

The dynamic and the vitality, the dynamism and the vitality of our own economy is hurt, is harmed by that job lock or that lack of bold necessary, which people have to, if they have family and the rest, they cannot take the same kinds of chances. So I think individuals are well-served in their personal well-being, certainly our national budget is well-served by our making this bold step. But our economy, also, and the dynamic of our whole country is well-served by people not being menaced by being sick, not being pigeonholed by not having mobility.

Mr. DERRICK. Madam Speaker, I yield to the gentleman from California.

Mr. FAZIO. Our colleague was very eloquent in describing the burdens of middle-class people. This chart shows exactly what will happen if we fail to have the courage to move to universal coverage, something that every other industrialized nation in the world has done long ago.

If we go the incremental route, people earning between \$20,000 and \$75,000 a year are going to pay an additional \$7.8 million out of their pockets to pay for what, in some cases, will not be adequate health care. In other cases, it will be fine, but at greater cost.

On the other hand, if we can move to universal coverage, those very hard-pressed people that the gentleman from South Carolina [Mr. CLYBURN] was dis-

cussing and the costs that they are fighting to overcome, the costs of books and the cost of educating a family in general, for example, we will give them a \$5 billion savings, a reduction in spending for health care that could translate into meeting all those other needs.

We talk about a tax cut for the middle class, as the gentleman from South Carolina [Mr. CLYBURN] said, this is something significant in the family budgets of people who have insurance today. They do not think this is all about them, because universal coverage is to bring other people into the system. But they will be the ones who benefit most, because when we get working in a health care system as a country together, we can see real reductions in the family budgets of many, many millions of middle-class families.

Mr. DERRICK. Madam Speaker, in closing, let me just say that this is a health care issue. If we do not have universal coverage, we do not, we miss about 22 million people who will still not have health care coverage in this country. The average middle-income person will see their insurance premiums go up. But not only that, we miss our opportunity to do something about the economic issue. It would truly be a celebration for the free enterprise system in this country, because we spend 30 to 40 percent more on health care in this country than any other of the major industrialized nations, which causes us to have to charge more for what we make.

For instance, the automobile manufacturers spend more for health care than they do for the steel that goes in their automobiles. It amounts to \$1,100 or \$1,200 a car, whereas many of our competitors only spend \$500 or \$600 a car. It is not only just automobiles. It goes on and on and on throughout our economy.

It will go a long way to creating more jobs, to bringing down our deficit, so let us pass universal health care.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. THURMAN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BUYER] is recognized for 60 minutes as the designee of the minority leader.

HEALTH CARE REFORM

Mr. BUYER. Madam Speaker, it was a real pleasure for me to be here and listen to my colleagues from the other side of the aisle try to convince America about universal access universal coverage for health care.

□ 1010

I think those who are listening and paying attention, they firmly believe

in the sincerity of their heart that government is the solution to what ails you. I say they just do not understand that that is at times what ails the American people, is so much government intrusion into our daily lives and that of our family.

There are some who look out a window into a parking lot, and when they look out into that parking lot they think that every person in America ought to have the same kind of car. When I look out into the parking lot, I believe that everyone should have the same opportunity to get whatever car they want, to achieve whatever level they seek.

There are many of us here that will vote on a lot of different issues. Whether it is health care or welfare reform, somehow we have to have a real good set of principles when you move into this Congress. I analyze it like this. I say, Does it promote individual liberty and protect it? Does it enhance economic opportunity? Does it promote personal responsibility? Does it promote high standards? Does it protect American citizens at home and abroad?

Members can even apply that to health care. I salute my colleague, the gentleman from South Carolina [Mr. DERRICK], who just said a few moments ago, "Let us not fool the American people." I agree with that.

What I am prepared to do here tonight for you, the American people, is to talk about not only the politics of health care, the pragmatism of health care, and the plans of health care. The only way I can do that is that I have prepared a chart, a road map of my thoughts. I am going to explain this, because it helps explain the actual debate that is going on right now about health care.

Madam Speaker, right here along this section, this is where we presently are in America. This is the present hybrid health care system that we have in America. The reason I call it a hybrid system that we have is because we have Medicaid, Medicare, the VA, the Veterans' Administration hospitals and clinics, and we have the military health care delivery system. We really, technically, have a hybrid health care system.

In the hybrid system that we have, we have come along and said the present system that promotes the greatest quality health care system in the world, and the system that also preserves the greatest choice of an individual, of doctor or facility or alternative methods of treatment, is at 85 percent. Right now we are right here, right here at this square, at 85 percent.

So we, because of our compassion and sincerity for the uninsured and underinsured, we seek to do better. We also recognize that there are growing costs, and we try to seek cost containment.

How do we want to do that? Do we want to move forward this way, or do

we want to take this direction? Let me explain.

Madam Speaker, here at the 95 percent, or actually I should write 94 percent, there is a system that is referred to in Washington here a lot called the Hawaiian health care system. It has 94 percent coverage. It is a universal coverage system. It has been in effect for 20 years and has only been able to achieve 94 percent.

Think about this for a moment. If we are presently at 85 percent and the A model universal coverage health care right now is the Hawaiian system, and it is exempt, it is exempt from whatever plan is going to be passed here, so they must like the 94 percent, now think about this. Utilize common sense.

When you were in school and you got a 85 or an 87 on a test, how did you feel? You probably felt pretty good. You did not say, "Oh, my gosh, my 87, 85, is a failure. I have to go out and get an all new method of learning." No, you did not say that.

If you want to get to 94, you work harder at what you are presently doing. You don't go out and say, "I need to get a brain transplant to move to 94 percent."

What we seek to do is increase the access, maintain the quality, and have cost containment. How do we do that? We do it by working on what is wrong with the present system and not moving to brain transplant.

Let us think about what is really happening out there. It is wonderful to get up and talk to America and say, "I'm going to be the protector of the middle class. I'm going to deliver to you less. It is not going to cost you." Incredible. The American people did not wake up yesterday. It almost reminds me of a knock-knock joke:

"Knock, knock."

"Who is there?"

"The Government."

"The Government who?"

"I am the Government and I am here to save you."

Come on. The American people are much smarter than that.

So if we are paused right here, this is where we are, at 85 percent, there are those of us that believe and support incremental reforms to the present system, to open up the access, to permit greater risk pooling out there.

We also recognize, when I say open up the access, I am referring to allow small businesses, whether it is local chambers or associations, to create greater risk pools so there is greater integration in the health care economy, both vertically and horizontally.

As we do that, Madam Speaker, we also, as we are paused right here, there are those here in the Congress that say, "You know what we need to do is, we should have incremental reforms to a single-payer system." They are not saying that, they are not going to say

that, because they want to fool the American people. You see, the real goal is a single-payer plan, a Canadian-style universal coverage system for America, but they are not going to say it. They are not going to say it.

The ones that I respect in this body are those who come out and say, "I believe in a Canadian-style health care system for America." I respect them because they come right out and look you in the eye and say, "That is my sincere belief."

The ones in America that you should be scared of and frightened of are the ones that finesse it. They finesse it by saying, "Well, we are just going to have some triggers, we are going to help out the small business sector, we are going to help out the middle class, we are going to protect you, we are going to look out for you."

Let me explain what this is. We are right here. They are sophisticated. They, meaning the liberal side of the Democrat Party, is sophisticated enough that they cannot make a hard left turn and take America directly to a single-payer plan. They cannot move from here to a single-payer plan. America will say "no" and reject it.

What is their answer? Their answer is substantive incremental reforms to a single-payer system, so they want to move from here and take America this direction. That is the debate that is going on right now.

The President is going to say, "I might loosen up a little bit." Vice President GORE yesterday said, "We might relax. Maybe 10 years out may be acceptable, it may not be acceptable. We will have to look at it."

What are they really talking about? They are talking about how to move America to a single-payer plan without telling you, without telling you. So what they seek to do here, Madam Speaker, is move America from the 85 percent and go this direction. They want to turn left and take America this direction.

Now, this time period could last anywhere from 7 to 10 years, time enough to pull America into a malaise. Then when they get out here in the year 2000, 2002, they turn around and say, "Those of you who, like Congressman BUYER, back in 1994 said we need incremental reforms from the present system," they will say, "See, Steve, you were wrong. We tried but we could not make it."

Think about this. They tried? What they are going to do is, in the reforms they are going to rewrite up there in the back room, that we may or may not get a chance to see before we are voting on it—which is an incredible thought, they control the process. When they control the process, they can then control the substance and predetermine the outcome of legislation. Get it? I got it.

So what they are going to do is set unrealistic expectations in different

sectors of the health care economy that cannot be achieved. That is why they are saying out here 95 percent.

We have Hawaii that has been doing it for 20 years, and which they are exempting, and they cannot even reach 95 percent. So the goal, the goal is, by the liberal side of this body, is to move America to a Canadian-style health care system, but they are not going to say it. They are not going to say it because they are scared to death. They are scared to death that you will not send them back to this body, and their job, to them, is so important.

□ 2020

What is it they are going to try to do? They are going to try and fool the American people.

I agree with my colleague, the gentleman from South Carolina, let us not fool the American people. There are those of us that firmly believe that we do not need a brain transplant when it comes to health care. What it is we support are incremental reforms to the present health care system that increases the access and permits greater risk pooling to occur. We seek tort reform, medical malpractice reform, 100-percent deductibility of insurance premiums, the list goes on and on.

There are many things that we can do to the present system without sacrificing the quality, without diluting the quality, without restricting the freedom of choice of doctors and facilities and alternative methods of treatment, let alone of its impact upon jobs and small businesses.

If we want to talk about the protector of the middle class, it will be the conservatives who are the protectors of the middle class.

Madam Speaker, I would like to yield to a gentleman from the Seventh District of Michigan. He represents eight counties just above Indiana. It is the southern tier, the farmland counties of Michigan, in Battle Creek, there with Kellogg's and Post.

I yield to the gentleman from Michigan, NICK SMITH.

Mr. SMITH of Michigan. Madam Speaker, I thank the gentleman from Indiana for yielding.

The gentleman sort of perked my interest when he mentioned jobs because I chaired a health care task force forum in Jackson, MI, at Foote Hospital a couple of weeks ago. Joining me were Representative DENNIS HASTERT of Illinois and Representative PETE HOEKSTRA, my colleague from Michigan. That is what we were doing.

We were asking: "How is this going to affect you as a small business and how is it going to affect those jobs in your business if you cannot pass on that health care reform?"

Madam Speaker, they gave us an earful. We had 16 witnesses that testified and they were unanimous in their testimony that if this liberal plan of Government takeover of health care

passes, it is going to hurt business, but what it is going to do to the American people is hurt jobs. It is critical, it seems to me, that Congress listen to these businesses and that the American people start talking to their neighbors in their towns and villages and cities.

"What will this do if this is forced on your business? Is it going to make a difference in jobs?"

Madam Speaker, some of the things that people testified at this health care forum, businessmen and businesswomen, were very concerned whether they could absorb this additional cost. It seems to me that the lure of some people suggesting, "Look, let us lower the cost of health care, do it our way. Go to universal coverage, go to a single payer system," we need to be very careful that we do not get sucked into a new socialistic program of health care by the suggestion that we are going to save money. We already know how to reduce the cost of health care. The Democrats know how, the Republicans know how. In fact, we have joined together in many of these bills to deal with tax reform and pooling and tort reform and cutting down the overzealous regulations.

At this hearing a couple of weeks ago, Noelle Clark of Hasselbring-Clark, Inc. of Lansing said:

My point is this: Many small businesses do not provide health insurance because they simply can't afford it. Just because it's forced on us doesn't mean the money will be there.

Sharon Roy, an accountant from Onsted, testified that many of the 40 to 50 small business accounts, that they were not going to be able to afford an additional Government mandate. She said that if you force on us this up to 7.9-percent payroll,

It's going to mean jobs. They don't have the profits to cut and they cannot pass costs through to consumers. Who are they going to pass it on to? They're going to price many of these small businesses right out of the market because they cannot compete with the big chain outfits. So you're going to force some out of business and definitely a lot of layoffs.

Jim Ahearn, a pipeline oil salesman of Jackson said that of his business, the best he could calculate it, would be charged an additional \$55,000 and he could not pass that on in his business with increased prices. So it meant several things.

He said, probably getting rid of people and not buying the additional trucks that they need.

Charlie Owens of Michigan's branch of the National Federation of Independent Businesses [NFIB] came up with the calculation that it was going to cost our State, Michigan, alone 32,604 jobs and it is going to affect another 817,000. We asked that witness what he meant by "affect," and he said that it is going to mean that we reduce their paychecks. If we are forced to provide health insurance, we cannot pass it on

in increased costs. It is going to have to come out of their pay. So instead of them having the choice of what health care system they buy, we are going to mandate the health care system and will have to reduce their pay to comply with the Federal Government.

Richard Todoroff had a good statement, of Todoroff's Restaurant in Jackson. He said, "This is pure socialism. I see the United States of America getting what the U.S.S.R. got rid of."

He also stated:

"I do not need government to tell me how to operate my business, and, damn it, that's what they're doing. Every time you turn around there is another mandate. If this health care plan passes, this will be the final nail in the coffin."

Virginia Atayan of a car dealership in Charlotte summed it up when she said that Government mandates of this magnitude would take away the incentives that entrepreneurs have to invest and work hard to be successful.

She said:

I've already paid the OSHA prices, paid to get safety features in place. I've paid for Work Comp., I've paid for Unemployment Comp., I've paid all these high taxes. I've done all these things. It takes work time on my part to figure out how to keep this Government happy. Now to place these additional burdens is going to drive us out of business, or we're going to have to increase the price of our product, in this case automobiles, to the consumer.

Madam Speaker, I think we have got to be careful not to fool ourselves that there is some secret way to reduce the price of health care in this country. I think we have got to be careful not to fool ourselves that when liberals say, let us start a new expansive socialistic program in this country, a new entitlement, that somehow we are going to magically provide greater health care for a lower price.

I am excited about moving ahead. I am excited about the possibility of Democrats and Republicans joining together to do some of the things that we know can reduce the price of health care in this country.

Mr. BUYER. Madam Speaker, I would like to thank the gentleman from Michigan [Mr. SMITH] and ask him to stick around here for a little bit if he can.

I yield to the gentleman of the 22d District of Texas, a district that spreads in all directions, at Allen's Landing on Buffalo Bayou and home to Johnson Space Center in Houston, TX, Mr. TOM DELAY.

Mr. DELAY. I appreciate the gentleman yielding to me.

It is also the home of Albo Pest Control, a wonderful small business that I own. It is through the ownership of that small business that brings me to the understanding of what this administration is trying to do and what this Democrat-controlled House and Senate is also trying to do to small business people.

Let me say from the outset that Albo Pest Control provides a very good health care group plan for their employees. But I have got to say that is amazing to me, and I understand what President Clinton is trying to do. What he is trying to do is to bring universal coverage to every American and to in some way control the cost of health care. The problem is they have no clue about what free enterprise is, how it works, what the effect of Government mandates are on small businesses and how they affect jobs and our overall competitiveness in this world.

I could give a very real example. I built my company from scratch. I built the company up and had more and more employees come on board. They were great employees, and for many reasons, but not the least of which I wanted to be very generous to my employees because they were doing a great job for me, and for themselves, I bought a health care plan that was 100 percent coverage for my employees. None of my employees at that time, and there were some nine of them, none of my employees at that time were over the age of 35, so you can imagine. They were in very good health, their wives were in very good health, their children were in very good health. They really did not need a health care group policy that covered them 100 percent. But I bought it, anyway.

I immediately found out in just a little over a year, that was the dumbest thing that I could have done to me and to them. Because they would go to the emergency room to get a Band-Aid. If they had a cold, they would go to the doctor because they were not paying the bill.

□ 2030

Immediately, as it follows anywhere else when you do these kinds of things, immediately the cost of my health care started rising, and I could not understand why. As I checked into these costs, I found out that these 35-year-old and below families were using the doctor for things that most people do not use the doctor for. Why? Because they were not paying the bill.

What is the answer to the Clinton plan and this universal coverage plan and mandated plan, single payer plan? They want to take a failed system and expand it and make it even worse.

I think Medicare has a lot of problems that can be corrected if we bring consumer choice and market pressures to bear. Medicaid is a disaster. It is going to cost, if we do not do something to reform Medicaid, it is going to drive costs through the roof. Why? Because the people who are receiving the care are not paying the Medicaid cost, not paying the bill, and that drives up the cost, because you overuse the service.

The same thing happens to every small business person in this country if

you take a single payer plan and expect it to hold down the costs and expect it to be reformed.

Mr. BUYER. Will the gentleman yield on that point?

Mr. DELAY. I yield to the gentleman from Indiana.

Mr. BUYER. The gentleman mentioned a couple of failed systems, Medicaid and Medicare. Does the gentleman realize that under the Great Society when it began back in the early 1960's, in 1965 Medicare Part A was predicted to cost \$8.8 billion by the year 1990, but the actual cost today is \$71 billion.

Mr. DELAY. The gentleman makes my case absolutely. The case history shows that if you do not provide into the mix making the choice of what kind of health care they want, and what kind of health care they need, and bring costs in the market system to bear on that and all of the pressure and intricacies of our system included in that, you are doomed to failure. That is what we are facing. This administration and the Democrat leadership of this House and Senate do not understand what this economy is all about and what the ultimate result is going to be, at least in Texas.

The American Legislative Exchange Council projected that job loss in Texas alone would be 68,300 jobs. Of course, this does not account for all of the wage reductions that the gentleman from Michigan was mentioning earlier. CONSAD Research Corp. estimates that almost 1½ million workers will face reduced wages, hours, and benefits.

It is really interesting that some people are trying to disguise employer mandates in the form of these hard and soft triggers. No matter what you call it, when you implement employer mandates, that means job loss and lower wages.

I would like to quote the ranking Republican member on the Small Business Committee, who may have already been quoted. JAN MEYERS from Kansas said it very well when she said:

It defies logic to suggest that we would eliminate someone's job to provide them with health insurance coverage. The uninsured become the unemployed. What kind of tradeoff is that?

That is what the Republicans are all about in insisting on a market-based plan. We have a plan. It is market-based. It understands what the problems are and brings a market-based solution to them.

I appreciate the gentleman from Indiana taking this special order.

Mr. BUYER. I appreciate the gentleman's leadership here on the Republican side that he has shown on health care. I am really pleased to hear the gentleman talk about personal and individual responsibility here on the House floor. It is amazing when you use the words morality or personal re-

sponsibility in Washington, people look at you as if you are not supposed to say those kinds of things. It is incredible. So I salute you for sticking to traditional values which we are trying to instill in this country.

Another thing you mentioned was the effects in the small business sector. The gentleman could not be more correct or on point.

When the gentleman talked about family orientation, there is a strong district in Arkansas that has 16 counties in the northwest corner of that State, in the Ozarks, the great rounded green mountains that the sun shines in would seem like forever in those mountains with traditional-minded people, very family-oriented, and they are represented by a true statesman, TIM HUTCHINSON. And I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding. May I say it is the home of some of the great entrepreneurs in America and some of the great companies that are going to be hit very, very hard by the mandates that we have been discussing this evening.

I want to commend the gentleman from Indiana for organizing this special order. It was interesting to be able to hear Members from the other side of the aisle discuss health care prior to our special order, and I heard a familiar refrain over and over again during that hour. They said there is something worse than doing nothing. And I very much want to join in doing something. I think we can do something. I think we can accomplish meaningful and substantive health care reform that will help control costs, that will expand coverage to more people, that will maintain quality, maintain choice in our health care system.

But I agree with them, there is something worse than doing nothing. What would be worse than doing nothing would be to turn the best quality health care system in this world over to the Government to run, a Government to run, a government that has never demonstrated its capacity to run anything efficiently or compassionately.

I was in this Chamber January 25, 1994, this year, when the President said, "Hear me clearly. If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen," and he showed us the pen, "veto that legislation, and we'll come right back here and start over again." That is what he said January 25.

Last week he said, "You can't physically cover 100 percent. It's impossible. Nobody can do that." That's what he said to the National Governors Association.

So we see the weaving and the bobbing, the defining and the redefining.

We hear of the triggers, the hard triggers, the soft triggers, the mandates, the global budgets, the price controls. I suggest that that is the language of a fatal cure for the health care system of the United States.

Last week supporters of a Clinton style health care bill embarked on a campaign-like bus tour designed to drum up support for Government-run health care. The buscade, as it has been called is a public relations gimmick financed by special interests. Organizers are asking various special interests, labor unions, businesses, other groups to finance the venture by paying \$20,000 for each bus, and requiring sponsors to promise that they are going to support, in advance, whatever bill comes out of the House and Senate from the Democrat leadership, bills that have not yet been drafted. So prospective sponsors do not even know the details of the legislation that they are endorsing and promising to support.

That is the tragedy that we may well face, a bill the first 2 weeks of August that the American people have never even had an opportunity to read or study and in fact that many Members of this institution of Congress will not have had an opportunity to study either because congressional committees that have been able to pass health care plans developed markedly different kinds of bills. The leadership will now meld those in, bring those into one bill, and at the last moment we will be presented with that legislation. The American people ought to have at least 30 days to read and study that legislation. Congress ought to have time to study that legislation. Hearings ought to be held on the specific bill that is brought before this body before it is endorsed.

We have heard a lot about employer mandates this evening. I would like in the few minutes that I have left to speak to two or three other issues that are very important when we talk about Government-run health care. I want to talk about rationing. I want to talk about the abortion coverage inclusion in the health care bill, and I want to mention its impact on families because the Members on the other side of the aisle kept talking about the middle class, what will Government-run health care really do to the middle class.

First of all, price controls, global budgets, Medicare reductions will inevitably, ultimately result in rationing of health care in our country. The administration is suggesting that we cut \$124 billion out of the Medicare system. This is on top of a \$56 billion cut in Medicare which occurred in 1993. Therefore, just for starters we are looking at a cut of \$180 billion or 14 percent of total Medicare expenditures for the multiyear scoring window.

□ 2040

And then in the so-called Health Security Act, section 4114, it limits payments to physicians of high-cost hospital staffs. This provision would have the effect of withholding 50 percent of payments from physicians who treat severely ill elderly patients who need intensive treatments. This provision appears to be an explicit rationing provision for Medicare beneficiaries who are severely ill.

But regardless of what is done on Medicare, a global budget, and that is the concept that we are only going to spend a certain number of dollars on health care, will ultimately have to result in rationing of health care.

Price controls will have the same effect. Price controls will diminish the quality of care. One of the ways a producer responds to a price fixed below the true value of his product is to reduce the value of the product correspondingly until it equals the new lower price. That is what will happen in health care with price controls.

Doctors will spend less time seeing patients. Hospitals will either cut back on staff or cut back on expensive life-saving technology. Either way, the result for consumers will be a diminished quality of care. In some instances, patients will die who otherwise would have lived.

This happens now in England where the newspapers are full of stories of people dying while waiting in line for rationed medical procedures readily available in the United States. In Canada, which has fewer high-tech imaging machines in the whole country than can be found in a typical large American city, pets can receive CAT scans after regular business hours but people cannot.

Given the British and Canadian examples, it seems plausible to think that deaths will occur as a consequence of medical price controls and global budgets if we adopt them.

I want to give a very personal example of how this could impact people in the United States. My mom about a year ago, over a year ago, had triple bypass surgery. She was over 80 years of age at the time. She was having severe angina attacks several times a day.

We took her and tests were run. The physicians said she had severe blockage, that a heart attack, perhaps a fatal heart attack, was imminent. He was concerned whether or not surgery could even be performed quickly enough to save her life.

My mom had always said she did not want extraordinary means to save her when she got older, and I was frankly concerned whether a person of that age could take a triple bypass surgery. I asked the doctor, I said, "At her age, can she handle a major surgery like that?" The doctor said, "Well, she is otherwise healthy, and because she is

otherwise healthy, it may take a little bit longer because of her age to recuperate, but she should do fine." I was wondering how Mom would react.

They brought her in at that point, and they told her that she had to have surgery and had to have it quickly. I was amazed at her response. She said, "Do it."

Because I think God has put within the soul of every human being an instinctive desire to live, and she wanted to live, and she knew that was the only way she could live.

They had to rush her into surgery before the following Monday, because the angina attacks had become so frequent they were afraid they would never get her in before the heart attack hit. She went through the surgery, and to make a long story short, she made a remarkable recovery. It has been a new lease on life. I do not know how many years my Mom has, but I do not know how you put a price tag on those years. She went back and became president of her Sunday school class. She made a trip to Oklahoma City, and she went to Branson, MO. She started a new class in her home. She has had a new lease on life.

This is what the surgeon told me before we brought my mom in to talk about choices. He said, "Mr. HUTCHINSON," and they always want to lobby you when they know you are in Congress, but he said, "I want you to know if your Mom lived in Great Britain that she could not get this surgery because of her age. Because of her age, they simply would not allow the surgery to be performed if she lived in Great Britain." And then he said, "If she lived in Canada, she would be put on a waiting list, and in your Mom's case, she would die waiting."

Now, ladies and gentleman, my colleagues, I know that there are very difficult choices that must be made in how we expend health care dollars towards senior citizens, but I believe, and I think the American people believe, that those decisions ought to be made by the family, by the patient, and by the doctor and not by some bureaucrat in Washington, not by the Government, and that is what happens when you ration health care, and that is what will happen under a Government health care system.

Mr. BUYER. It is interesting you brought up Great Britain and the notion. There was a question asked of Virginia Bottomley, Great Britain's Secretary for Health. The question was:

Question. The notion that many Britons wait an excessively long time for treatment is often used by critics of national health care in the United States to illustrate the imperfections of a British-style national system. Are the long waiters a "fatal flaw" in Britain's system?

Answer. The number of people waiting is not important provided they are treated within a reasonable time. It is the time peo-

ple wait that matters not the total number waiting. Half of all admissions to hospitals are immediate. Of those admitted from waiting lists, half are admitted within five weeks, nearly 75 percent within three months and 98 percent within a year.

Mr. HUTCHINSON. And that in defense of the British system? I think again the gentleman makes the case very well that in fact if you are among those who have to wait, it could mean your life.

Let me touch very quickly upon a couple of other points. One is the inclusion of abortion services, because every health care bill that has come out of the major committees with the exception of the Committee on Veterans' Affairs, has included abortion services, and the Committee on Armed Services, but the major committees of jurisdiction, Ways and Means, Education and Labor, Energy and Commerce did not produce a bill, but these brought forth health care bills that include abortion services.

I think it is very ironic that our President has endorsed this concept when, in the State of Arkansas and during his 12 years as Governor of the State of Arkansas, he so eloquently made the case that regardless of your position on abortion, you ought not be required to violate your conscience by subsidizing that practice for others through taxes or through health care premiums mandated by the Government.

That is the issue. Our country is very much divided on the abortion issue, but we are not much divided on the issue whether you have to be forced to pay for somebody else's abortion.

Mr. DELAY. If the gentleman will yield, I had an experience just Saturday. I was in Minnesota up in the northern parts of Minnesota, actually, yesterday, Sunday, and I ran into a farmer who was very upset. He called me aside and said, "You are a Congressman from Texas?" I said, "Yes." He says, "Well, I welcome you here, but I am very concerned that the President of the United States is going to require me to fund abortions in this country." He says, "I am pro-life, but for me to fund abortions in this country is against my religion, and it will force me to do something I do not want to do." He says, "I am a very devout Catholic, and in the Catholic Church," but I am not a Catholic, but this is the farmer talking, "In the Catholic Church, if you help someone procure an abortion, you are supposed to be immediately excommunicated," and he feels very deeply about this, and he says, "I will be forced to not pay my taxes if this is passed, and I could go to prison." He was very upset about this particular provision that the Clintons just seem to accept willy-nilly without even understanding the impact of their actions.

Mr. HUTCHINSON. I appreciate that very eloquent example, because inclusion of abortion services will require

millions of Americans just like the one that you spoke of, conscientious Americans who have deep convictions in this area, and it will make them really participate in an act they find morally objectionable, and I think it is a tragedy that such a thing would be included.

Mr. BUYER. I noticed that the Senate Finance Committee had passed what they call a conscience clause, and to try to take the place of those out there in America who are uncomfortable with having to provide abortions, but really you have to play this out here even much further.

If you have a Catholic hospital out there that says, "We do not want abortions at our Catholic hospital, we do not believe in abortions," but they as a hospital and as an institution will be required to provide abortions in this minimum-benefit package for their employees, so the conscience can only go so far, because the Government will step in and say, "I do not care how you feel. We know what is best for you, America."

Mr. HUTCHINSON. I appreciate that example, and you are so right. I could give many examples.

For instance, a person who works in the VA health system, who has a moral, sincere objection to the practice of abortion, who may have spent a lifetime serving our veterans in the veterans' health care system, under the Clinton health care plan would be required to participate in the practice of abortion in that VA hospital, and I tell you that that would be replayed over and over again.

We could give many other examples. Let me just say this: This plan is not only going to ration health care, it is not only going to require Americans to violate their conscience, but it is going to hit middle-class families, and our colleagues spoke so much about the middle class, but according to the Lewin-V.H.I. study, almost 50 percent of American households are going to pay more under the Clinton health care, the Government-run health care system, and 61 percent of those families are going to pay over \$500 a year more, and that is the middle class. They are going to be impacted negatively. They are going to pay more, and those who do not pay more may actually end up with less coverage than they have under their current plans.

□ 2050

I believe that Government health care is Government-assisted suicide for the best quality health care system in the world.

Mr. BUYER. I thank the gentleman for his contributions, a statement well-said.

I now yield to my good colleague, the gentleman from the State of Illinois, from the 15th District of Illinois. He and I share some contiguous counties along the border with Illinois in that good farmland called Brookston Home.

Mr. EWING. I thank the gentleman for yielding to me.

Madam Speaker, we certainly do share a common heritage along the Illinois-Indiana line.

Madam Speaker, I think we probably learn a lot from the people we represent. I was really moved by Congressman HUTCHINSON's comments about his mother. All of us who have older members in our families realize how important this is, very personal, how important it is to us as well as to all of our constituents.

I think you may know that I travel home almost every weekend, as other Members, as the gentleman from Indiana does, and I visit with our constituents. I would hope that every Member on the other side of the aisle would take a little time to go home and listen and visit on the very personal basis with members or people they represent about the health care issue.

I think it is great when I go home to go into the restaurants and sit around the round table and talk to the farmers and business people and just-retired individuals. They are asking me some questions.

They are saying to me, "Are you going to have a recess? I see in the paper here, on the television, they may cancel the recess and stay in Washington and do the health care bill." My response to them is, "The recess does not matter. When we come home, we are going to work anyway."

But we can stay in Washington and work. But the thing I do not want to do is stay in Washington until the leadership on the Democrat side of the House and the Democrat leadership in the Senate come together with a little plan and then drop it here on these tables maybe 24 hours, if that much, before they expect us to vote on it; and have it bulldozed through, using the recess as a reason to do that, to force a vote, because what we do here will last maybe for years. Its effects may go on and on.

So I think that question is easily answered. We should go home in the recess and listen to our constituents. If there is a plan from this side of the aisle, as vacant as it is tonight, we need to take that plan home and, as one of our colleagues said earlier, we should have hearings, we should have discussion. The American people should know what is in that plan.

Then I was asked the question: "Do you think that Congress can pass a plan before the election?" My response to that is: "We would be better not to pass a plan than to pass a bad plan."

Well, they said, "Are the Republicans, do they have any proposals?" Then I named a few. I named also some bipartisan proposals that many of us may be on. I named proposals that we on this side of the aisle have put forth. Yes, we have proposals.

Compromise comes, I believe, when both sides address the issues that you can agree upon.

Mr. SMITH of Michigan. I would like to mention the House Republican proposal now has 141 cosponsors. It is more than any other plan, including the President's plan. That is 80 percent of the House Republicans ready to move forward. Republicans are saying let us move ahead, let us do something. But the concentration is to improve accessibility, to improve portability, and to reduce cost of health care. We can do it. Both sides of the aisle know how to do it. I say let us not be blackmailed by a President that says either we go to socialized medicine or we do nothing.

Mr. EWING. I think the gentleman is absolutely right. There is the Rowland-Bilirakis bill, a Democrat-sponsored and a Republican-sponsored, bipartisan. There is much good in that plan that we should be debating and talking about.

If there is one thing I want to say, if I bring anything to this debate tonight, which I think is very well planned, it is that the American people deserve a chance to see what we are going to pass on their behalf, if we pass anything.

They have and should have an opportunity to visit with us, their elected Representatives, about it. Today there was one final thing that came down today from the courts. It is very important in this regard. Today in Federal court, Judge Royce Lamberth ordered that case against Hillary Rodham Clinton and the White House health care task force must go to trial. A great victory for the American people. This is a victory because this is going to allow the American people to know who are the donors, who are the people sponsoring the First Lady's health care plan.

Before, you know, that was all kept secret from the American people. "They don't have any right to know who the special interests are behind the First Lady's health care plan."

All health care bills will now be written by the Democratic leadership on Capitol Hill, and are based on the Clinton plan. We have a right to know who is sponsoring it, who is footing the bill, who are the main players.

I think it is a great victory for the American people.

With that I say let us all dedicate ourselves to working to be sure the American people do know what is in the health care plan. Again I congratulate you for this effort today.

Mr. BUYER. Reclaiming my time, I thank the gentleman for his contribution. I think we have had an excellent discussion tonight about what happens when the Government takes over health care. When we talk about a global budget, a global budget is a set amount spent on health care for America. That includes our advanced medical technologies, which means that when you dull the competitive edge of the advanced medical technologies, it has an impact upon the American family that will be detrimental.

The gentleman from Arkansas [Mr. HUTCHINSON] was very close when he started to talk about quality-of-life issues, when he was talking about the rationing of care, and the impact of a Government-run system has on the quality of health care.

Madam Speaker, I have 16 hospitals in my congressional district in Indiana. I have toured 15 of those hospitals. I have also toured Riley Hospital in Indianapolis, IN. Riley Hospital is a magnificent children's hospital. It is the only place in the world where I have ever been where I have seen more children who are ailing, who are dying, who are burned, who are crippled, who are diseased, who are very sick. But there is an incredible sense and feeling of hope inside that children's hospital, probably similar to other children's hospitals in America. Why is it these children have so much hope? Why is it the parents and the grandparents and the families and the friends also have that sensation and feeling of hope that you find in the children's hospital? It is because we understand the cutting edge of our advanced medical technologies and what they can do, the miracles and cures that we can deliver today. Why we would ever want to dull that is beyond me.

I found myself standing inside the neonatal ward with Dean Daly. He is the dean of the medical university. We were surrounded by 50 infant babies. That is what I call them, infant babies. The doctor calls them neonates. That is the first time in my life I have ever seen a human being whose weight was measured in grams.

The baby was a little more than 4 months old. There were many of them.

I turned to the dean and I said, "Dean, close your eyes. Now put yourself in Canada. Now open your eyes. Would we see this? Would we see it?" I looked down at the end and I saw a family, and I know that they could not have afforded the medical treatment. I asked the dean, I said, "Dean, what does this cost?" And he said, "It is costing approximately \$1,500 a day on Medicaid."

Now let us be very raw here for a moment. This is not what is not being talked about in the health care debate, or the quality-of-life and value-of-life issues.

Now, think about this for a moment. Let us be raw. Here in America we say that a mother, if she chooses, she can either give life or take life.

□ 2100

If she chooses life, we, as a society, will expend up to \$1,500 a day, or more, until that child reaches a viable state where that baby can be brought home with mom and dad.

Now let us go to the other end of life's spectrum, to senior citizens. We, as a society, again place such a value on life that, when we say that that sen-

ior citizen, if they choose, or it does not have to be a senior citizen, it can be anybody in our society above the age of 18, if they say, "I don't want to be hooked up on life support system," they can choose what we call death with dignity, execute a living will. But if they elect to be hooked up to a life support system, we, as a society, will pay for that. That is what we do today. Those decisions are made by our families.

I say, "America, if you want the Government to take those decisions from you and away from your family, and allow the Government and a system of accountants and lawyers to make those decisions for you, then just tell us. Just say to the United States Congress, 'We want the Government to take over the health care system. We want everybody in America to have the same type of health care.' Just tell us."

I do not think America is prepared for that.

I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Madam Speaker, I think it is a point that we need to say over and over again to the American people: "What sector of Government that you know does an outstanding and an excellent job of performing that particular duty?"

Mrs. Clinton and the President have suggested that, if we pass their plan, it is going to take 50,000 new Government employees to run this system, and Government really has not done that good a job on so many things we have been doing. As the rest of the world goes away from a strong centralized Government controlling the lives and taking away our freedoms, here we are going and telling, suggesting, that we take over 17 percent of the private sector economy, and we have Government take over health care when they really do not have a proven track record of doing many other things very well.

What it is is a transfer of wealth. It is a transfer of wealth like we talked about, from small business to big business. It is a transfer of wealth from the young to the old. As Government gets in trouble, if they take over this system, they will continue to tax the young people to pay for the people that need greater health care costs at their older age with some kind of an elusive promise such as we are now doing in Social Security that says, "Look, when you get old, we'll somehow tax those that are left working enough to pay for your Social Security and, in this case, your health care."

I plead with those people in America to not let this go by, to study the details, to consider the consequences, because the Government taking over health care in America is going to put middle class America dependent upon Government, and Government, as they go about trying to save money, they are going to pass all kinds of mandates

and dictates on how we can run our personal lives.

Mr. BUYER. Madam Speaker, I thank the gentleman from Michigan [Mr. SMITH].

We can even take this to the personal level. It is easy to stand here and talk about what it is going to do to quality. Let me share with my colleagues and America that I was deeply moved at a visit of a young family farmer from my district. I think that all of us here that sit in this body seek to be responsible and responsive to the people that elected us to this body. I do not question the sincerity of those who believe that Government is the answer. I do not question their sincerity because they firmly believe that. I think they are wrong, but I do not question their sincerity.

I will never forget going to the home of a young farmer. This gentleman fell from the inside of a silo to the bottom, and I visited his house. He is now paralyzed from the neck down. He was there at the kitchen table in a wheel chair, and he can only now move forward or backward, right to left, by a straw that goes into his mouth by either sucking or blowing.

Now he is one of the most courageous individuals I have met. His young son was bouncing a balloon off the wall up in the ceiling and bouncing it toward his father with no understanding why dad this time does not bounce the balloon back to him.

My colleagues, this young farmer only had one message for this Congressman who sat at his table in his home. His request to me was: "Please do not let the Government take over health care because I understand that it will dull the advance of medical technologies," because he said his hope was that he might heal one day which rests in our advanced medical technologies. He understands that. He, of anyone, understands that.

Let me comment on some other people in Indiana.

On the issues that were discussed here tonight, whether it was abortion, or increasing taxes for health care, I recently had sent out a questionnaire back in Indiana. It was very interesting. I have now received over 5,000 responses in Indiana.

The first question was: "Do you favor increased taxes to pay for federally mandated universal health care?"

Overwhelmingly, of the 5,000, only 498 said yes; 4,479 said no to increased taxes.

The second question: "Should abortions be included as part of an overall health care coverage for all Americans?"

Of the 5,000 responses, Madam Speaker, 625 said yes; 4,370 said no to abortions in health care.

On the issues of the impact on the small business sector that the gentleman from Texas [Mr. DELAY] and

the gentleman from Michigan [Mr. SMITH] spoke about here tonight, let me share with my colleagues some comments from a health care questionnaire from Indiana. One is an individual, a small business person, from Williamsport, IN. They say:

We are a family owned business. It would be a financial hardship, and I would have to evaluate whether or not I can stay in business if the government would force me to pay for health care. A small company such as ours doesn't net very much, but we provide jobs which helps the local economy. Unexpected expenses could be major problems for us. If the government determines the cost of business such as ours, the amount is apt to be unrealistic. I don't believe they know what small really is.

Another small business in Demotte, IN. This small businessman writes:

We are a family owned feed business employing 14 people that is celebrating 40 years of business this year. Our dad taught us to manage funds carefully and grow in the free enterprise system. Frankly it scares me to see the government getting involved in health care reform because the costs always exceed the benefits. Our government just cannot operate as sufficiently as the private sector. Having said that, we feel it would be best to let the market adjust to health care as it is already doing.

I partly agree with the gentleman. I think there are things we can do right now, but not let the Government take over the health care system.

Another gentleman writes from Kokomo, IN:

Any employer mandate or mandate to force me into cover health insurance costs for my employees will result in nine unemployed people. If the government is so concerned about their needs, then they can take care of them. There are nine employees, seven wives and seven children.

I mean the list goes on, and on, and on. I think what is important though is in this health care debate, and what is real is that there are many different plans out there.

But what is pragmatic, my colleagues, is that I do not control the process here in the Congress. The process inside the Congress is not controlled by conservative Democrats either. It is controlled by the liberal side of the Democrat Party and their goal as a single payer plan for America, and they want it. They want it. It was Senator JAY ROCKEFELLER who said that we are going to pass health care reform whether the American people want it or not. That is his quote.

Now, Madam Speaker, when they say, "National health care reform," what they mean is government controls of health care. When conservatives say, "National health care reform," we are talking about incremental reforms to the present system to provide access. That is what we want to do, and the American people deserve no less than to have the opportunity to review a health care plan, not a plan that is drafted in the back rooms of this Congress. So, if a plan is drafted in

the back rooms, demand an opportunity to see it, and that is what we will do.

□ 2110

GENERAL LEAVE

Mr. BUYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the special order just presented.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. LEHMAN (at the request of Mr. GEPHARDT), for today, on account of travel problems.

Mr. CLEMENT (at the request of Mr. GEPHARDT), after 5:45 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BUYER) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 27, 28, and 29.

(The following Members (at the request of Mr. SYNAR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. LUCAS.

Mr. EMERSON in two instances.

Mr. BEREUTER.

Mr. MCDADE.

Mr. CRANE.

Mr. HORN.

Mr. MCINNIS in four instances.

(The following Members (at the request of Mr. SYNAR) and to include extraneous matter:)

Mrs. MALONEY.

Mr. PICKETT.

Mr. LAFALCE.

Ms. SLAUGHTER.

Mr. ANDREWS of Texas.

Mr. SYNAR.

Mr. KOPETSKI.

Mr. HOAGLAND.

Ms. KAPTUR.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles: On July 21, 1994:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need;

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building";

H.R. 3840. An act to designate the Federal building and United States Courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

On July 22, 1994:

H.R. 4322. An act to amend the Small Business act to increase the authorization for the development company program, and for other purposes.

ADJOURNMENT

Mr. BUYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, July 26, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3568. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685, (H. Doc. No. 103-284); to the Committee on Appropriations and ordered to be printed.

3569. A letter from the Director, Federal Housing Finance Board, transmitting its annual report for the 1993 calendar year, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

3570. A letter from the Director of Employee Benefits, Farm Credit Bank of Baltimore, transmitting the Farm Credit District

of Baltimore retirement plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3571. A letter from the Vice President, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Banks of Texas pension plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3572. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1993 U.S. Courts: selected reports, containing the proceedings of the judicial conference, a summary of the activities of the administrative office, and a summary of the business of the Federal courts for the fiscal year, pursuant to 28 U.S.C. 331; 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

3573. A letter from the Secretary of Agriculture, transmitting the fiscal year 1993 report on advisory and assistance services, pursuant to Public Law 101-161, section 641(a)(1) (103 Stat. 986); jointly to the Committees on Appropriations and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 4228. A bill to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California; with an amendment (Rept. 103-619). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians (Rept. 103-620). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. 103-621). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SYNAR (for himself and Mr. LUCAS):

H.R. 4821. A bill to establish the Honey Springs National Battlefield and Washita Battlefield National Historic Site in the State of Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mr. SHAYS (for himself, Mr. SWETT, Mr. DICKEY, Mr. MANN, Mrs. FOWLER, Mr. McHALE, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. McKEON, Ms. SHEPHERD, and Mr. FINGERHUT):

H.R. 4822. A bill to make certain laws applicable to the legislative branch of the Federal Government; jointly, to the Committees on House Administration, Education and Labor, Government Operations, Rules, and the Judiciary.

By Mr. ANDREWS of Texas:

H.R. 4823. A bill to amend the Internal Revenue Code of 1986 to encourage the preserva-

tion of Civil War battlefields for public purposes; to the Committee on Ways and Means.

By Mr. DORNAN (for himself, Mr. DOOLITTLE, Mr. CRANE, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. SOLOMON, Mr. SANTORUM, Mr. LIVINGSTON, Mr. McHUGH, Mr. LIPINSKI, and Mr. HYDE):

H.R. 4824. A bill to amend title 18, United States Code, to prevent the misuse of certain antiracketeering laws; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 4825. A bill to amend title 5, United States Code, to establish procedures for the handling of claims for compensation for work injuries; to the Committee on Education and Labor.

By Mr. SCHIFF:

H.R. 4826. A bill to amend the Wilderness Act to permit the landing of aircraft within wilderness areas for purposes of search and rescue under certain circumstances; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 4827. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. MCCOLLUM, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NADLER):

H.R. 4828. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. PORTER, Mr. FROST, Mr. SMITH of New Jersey, Mr. WOLF, Mr. JOHNSON of South Dakota, Mr. PASTOR, Mr. WAXMAN, Mr. MORAN, Mr. BERMAN, Ms. SLAUGHTER, Mr. HOCHBRUECKNER, Mr. ORTON, Mr. RICHARDSON, Mr. FLAKE, Mr. LANTOS, Mr. BATEMAN, Mr. TOWNS, Mr. WILSON, Mr. TORRICELLI, Mr. SERRANO, Mr. HASTINGS, Mr. LIPINSKI, Mr. GORDON, Mr. WALSH, Mr. McNULTY, Mr. GILMAN, Ms. DELAURO, Mr. CARDIN, Mr. FISH, Mr. CLEMENT, Mr. SWETT, Mrs. MEYERS of Kansas, Mr. LANCASTER, Mr. DELLUMS, Mr. HUGHES, Mr. ACKERMAN, Mr. LEHMAN, Mr. McCLOSKEY, Mr. BILBRAY, Ms. NORTON, Mr. MARKEY, Mr. APPLEGATE, Mr. DEFazio, and Mr. ROMERO-BARCELO):

H.J. Res. 393. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. ANDREWS of New Jersey (for himself and Mr. MEEHAN):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress regarding the termination of subsidies for the export of durum wheat from the United States; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. NADLER, and Mr. GILMAN):

H. Con. Res. 272. Concurrent resolution calling upon the Secretary of State to instruct the American Embassy and Consular officials throughout the world to convey the concern of the American people over the desecration of the dead and to assist groups and individuals who seek to protect the integrity of cemeteries and the repose of the dead; to the Committee on Foreign Affairs.

By Mr. SWIFT:

H. Res. 488. Resolution providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868; considered under suspension of the rules and agreed to.

By Mr. CONDIT (for himself, Mr. CLINGER, Mr. PETERSON of Minnesota, Mr. ROBERTS, Mr. PENNY, Mr. SCHIFF, Mr. PETE GEREN of Texas, Mr. MICA, Mr. PORTMAN, Mr. HAYES, Mr. CASTLE, Mr. STENHOLM, Mr. POMBO, and Mrs. THURMAN):

H. Res. 489. Resolution providing for the consideration of the bill (H.R. 140) to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

454. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to suspension of the enhanced automobile inspection and maintenance program; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LAZIO.
H.R. 70: Mr. COPPERSMITH.
H.R. 193: Mr. ARMEY, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. CALVERT, Mr. CANADY, Mr. CRANE, Mr. DOOLITTLE, Mr. EWING, and Mr. HYDE.
H.R. 643: Ms. SCHENK.
H.R. 688: Mr. BACHUS of Alabama, Mr. MCDADE, Mr. LIVINGSTON, and Mr. KINGSTON.
H.R. 790: Ms. SCHENK.
H.R. 998: Ms. SCHENK.
H.R. 1572: Mr. TALENT.
H.R. 1621: Ms. SCHENK.
H.R. 1673: Ms. SCHENK.
H.R. 2036: Mr. SCHAEFER.
H.R. 2088: Mr. DEUTSCH, Mr. HOAGLAND, and Mr. RAHALL.
H.R. 2132: Mr. KENNEDY.
H.R. 2365: Mr. McHALE.
H.R. 2420: Mr. JOHNSON of Georgia, Mr. SKELTON, Mr. GINGRICH, and Mr. ACKERMAN.
H.R. 2427: Mr. BALLENGER.
H.R. 2467: Mr. CUNNINGHAM.
H.R. 2767: Ms. SLAUGHTER.
H.R. 2873: Mr. PAYNE of Virginia.
H.R. 2959: Mr. STEANS, Mr. GILCHREST, Mr. HYDE, Mr. RAHALL, Mr. FROST, and Mr. PORTER.
H.R. 3207: Mr. HOAGLAND.
H.R. 3263: Mr. ABERCROMBIE, Mr. RANGEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. COLLINS of Illinois, Mr. KLEIN, and Mr. KREIDLER.
H.R. 3293: Mr. GUNDERSON.
H.R. 3305: Mr. DEFazio.
H.R. 3407: Mr. COLEMAN, Mr. NEAL of North Carolina, Mr. LEVY, and Mr. GEJENSON.
H.R. 3475: Mr. FILNER, Mr. ZIMMER, Mr. TOWNS, and Ms. LOWEY.
H.R. 3642: Mr. GEJENSON, Mr. DOOLITTLE, Mr. McCLOSKEY, and Mrs. UNSOELD.
H.R. 3673: Mr. McHUGH.
H.R. 3687: Mr. COPPERSMITH.
H.R. 3705: Mr. PETE GEREN of Texas.
H.R. 3769: Mr. BROWN of Ohio.

H.R. 3873: Mr. TUCKER.
 H.R. 3928: Mr. DOOLITTLE, Mr. BAKER of California, Mr. POMBO, Mr. CRAPO, Mr. HUNTER, Mr. SAXTON, Mr. HALL of Texas, Mr. CLEMENT, Mr. PARKER, Mr. THOMAS of California, Mr. GILMAN, Mr. DOOLEY, Mr. MOORHEAD, Mr. DREIER, Mr. GILCHREST, Mr. KIM, Mr. HORN, and Mr. SMITH of Oregon.
 H.R. 3990: Mr. APPELEGATE, Ms. BROWN of Florida, Mr. LIGHTFOOT, Mr. MORAN, and Mr. WILLIAMS.
 H.R. 3994: Mr. FILNER.
 H.R. 4051: Mr. JEFFERSON and Mr. OBERSTAR.
 H.R. 4056: Mr. TRAFICANT and Ms. SCHENK.
 H.R. 4062: Mr. TORKILDSEN.
 H.R. 4300: Mr. KREIDLER.

H.R. 4474: Mr. MANN, Mr. BACHUS of Alabama, and Mr. WELDON.
 H.R. 4589: Mr. PACKARD, Mr. GILMAN, and Mr. WELDON.
 H.R. 4592: Mr. HUTCHINSON.
 H.R. 4617: Mr. WASHINGTON.
 H.R. 4645: Mrs. CLAYTON.
 H.R. 4657: Mr. KLUG and Mr. PAXON.
 H.R. 4695: Mr. SAWYER and Mr. FRANK of Massachusetts.
 H.R. 4737: Mr. VENTO.
 H.R. 4790: Mr. CLAY, Mr. WHEAT, Mr. SKELTON, Mr. EMERSON, Mr. VOLKMER, Ms. DANNER, Mr. TALENT, and Mr. HANCOCK.
 H.R. 4799: Mr. STUDDS.
 H.J. Res. 388: Mr. HOCHBRUECKNER and Mr. KING.

H. Res. 255: Mr. BEREUTER and Mr. STEARNS.
 H. Res. 270: Mr. LIVINGSTON.
 H. Res. 434: Mr. ZIMMER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

115. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to the Health Research Act of 1994; which was referred to the Committee on Energy and Commerce.

REPORTS ON COMMITTEES ON

Under clause 2 of rule XXII, reported the following bills and resolutions for printing and circulation in the House:

The Committee on Education and the Labor Force reported the following bills and resolutions for printing and circulation in the House:

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UNFINISHED BUSINESS

Under clause 3 of rule XXII, reported the following bills and resolutions for printing and circulation in the House:

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